



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 1445

2 AMENDMENT NO. _____. Amend Senate Bill 1445, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Election Code is amended by changing
6 Sections 4-50, 5-50, 6-100, 7-60, 9-9.5, 13-1, 13-2, 14-3.1,
7 17-9, 18-5, 18A-15, 19-2.1, 19-4, 19-8, 19-12.2, 19-13, 19-15,
8 19A-25.5, 19A-35, 19A-50, 19A-60, 20-2, 20-2.1, 20-2.2,
9 20-2.3, 20-4, 20-8, 20-15, 24-1, 24A-9, 24A-10, 24A-10.1,
10 24A-15, 24A-16, 24B-9, 24B-10, 24B-10.1, 24B-15, 24B-16,
11 24C-9, 24C-13, 24C-15, and 24C-16 and by adding Sections 1-9,
12 1A-35, 19-20, 19A-21, and 20-20 as follows:

13 (10 ILCS 5/1-9 new)

14 Sec. 1-9. Central counting of grace period, early,
15 absentee, and provisional ballots. Notwithstanding any
16 statutory provision to the contrary enacted before the
17 effective date of this amendatory Act of the 94th General
18 Assembly, all grace period ballots, early voting ballots,
19 absentee ballots, and provisional ballots to be counted shall
20 be delivered to and counted at an election authority's central
21 ballot counting location and not in precincts. References in
22 this Code enacted before the effective date of this amendatory
23 Act of the 94th General Assembly to delivery and counting of
24 grace period ballots, early voting ballots, absentee ballots,

1 or provisional ballots to or at a precinct polling place or to
2 the proper polling place shall be construed as references to
3 delivery and counting of those ballots to and at the election
4 authority's central ballot counting location.

5 (10 ILCS 5/1A-35 new)

6 Sec. 1A-35. Early and grace period voting education.
7 Subject to appropriation, the State Board of Elections must
8 develop and implement an educational program to inform the
9 public about early voting and grace period voting. The State
10 Board shall conduct the program beginning August 1, 2006, and
11 until the 2006 general election.

12 (10 ILCS 5/4-50)

13 Sec. 4-50. Grace period. Notwithstanding any other
14 provision of this Code to the contrary, each election authority
15 shall establish procedures for the registration of voters and
16 for change of address during the period from the close of
17 registration for a primary or election and until the 14th day
18 before the primary or election. During this grace period, an
19 unregistered qualified elector may register to vote, and a
20 registered voter may submit a change of address form, in person
21 in the office of the election authority or at a voter
22 registration location specifically designated for this purpose
23 by the election authority. The election authority shall
24 register that individual, or change a registered voter's
25 address, in the same manner as otherwise provided by this
26 Article for registration and change of address.

27 If a voter who registers or changes address during this
28 grace period wishes to vote at the first election or primary
29 occurring after the grace period, he or she must do so by grace
30 period voting, either in person in the office of the election
31 authority or at a location specifically designated for this
32 purpose by the election authority, or by mail, at the

1 discretion of the election authority. Grace period voting shall
2 be in a manner substantially similar to voting under Article
3 19.

4 Within one day after a voter casts a grace period ballot,
5 the election authority shall transmit the voter's name, street
6 address, and precinct, ward, township, and district numbers, as
7 the case may be, to the State Board of Elections, which shall
8 maintain those names and that information in an electronic
9 format on its website, arranged by county and accessible to
10 State and local political committees. The name of each person
11 issued a grace period ballot shall also be placed on the
12 appropriate precinct list of persons to whom absentee and early
13 ballots have been issued, for use as provided in Sections 17-9
14 and 18-5.

15 A person who casts a grace period ballot shall not be
16 permitted to revoke that ballot and vote another ballot with
17 respect to that primary or election. Ballots cast by persons
18 who register or change address during the grace period must be
19 transmitted to and counted at the election authority's central
20 ballot counting location and shall not be transmitted to and
21 counted at precinct polling places. The grace period ballots
22 determined to be valid shall be added to the vote totals for
23 the precincts for which they were cast in the order in which
24 the ballots were opened.

25 (Source: P.A. 93-1082, eff. 7-1-05.)

26 (10 ILCS 5/5-50)

27 Sec. 5-50. Grace period. Notwithstanding any other
28 provision of this Code to the contrary, each election authority
29 shall establish procedures for the registration of voters and
30 for change of address during the period from the close of
31 registration for a primary or election and until the 14th day
32 before the primary or election. During this grace period, an
33 unregistered qualified elector may register to vote, and a

1 registered voter may submit a change of address form, in person
2 in the office of the election authority or at a voter
3 registration location specifically designated for this purpose
4 by the election authority. The election authority shall
5 register that individual, or change a registered voter's
6 address, in the same manner as otherwise provided by this
7 Article for registration and change of address.

8 If a voter who registers or changes address during this
9 grace period wishes to vote at the first election or primary
10 occurring after the grace period, he or she must do so by grace
11 period voting, either in person in the office of the election
12 authority or at a location specifically designated for this
13 purpose by the election authority, or by mail, at the
14 discretion of the election authority. Grace period voting shall
15 be in a manner substantially similar to voting under Article
16 19.

17 Within one day after a voter casts a grace period ballot,
18 the election authority shall transmit the voter's name, street
19 address, and precinct, ward, township, and district numbers, as
20 the case may be, to the State Board of Elections, which shall
21 maintain those names and that information in an electronic
22 format on its website, arranged by county and accessible to
23 State and local political committees. The name of each person
24 issued a grace period ballot shall also be placed on the
25 appropriate precinct list of persons to whom absentee and early
26 ballots have been issued, for use as provided in Sections 17-9
27 and 18-5.

28 A person who casts a grace period ballot shall not be
29 permitted to revoke that ballot and vote another ballot with
30 respect to that primary or election. Ballots cast by persons
31 who register or change address during the grace period must be
32 transmitted to and counted at the election authority's central
33 ballot counting location and shall not be transmitted to and
34 counted at precinct polling places. The grace period ballots

1 determined to be valid shall be added to the vote totals for
2 the precincts for which they were cast in the order in which
3 the ballots were opened.

4 (Source: P.A. 93-1082, eff. 7-1-05.)

5 (10 ILCS 5/6-100)

6 Sec. 6-100. Grace period. Notwithstanding any other
7 provision of this Code to the contrary, each election authority
8 shall establish procedures for the registration of voters and
9 for change of address during the period from the close of
10 registration for a primary or election and until the 14th day
11 before the primary or election. During this grace period, an
12 unregistered qualified elector may register to vote, and a
13 registered voter may submit a change of address form, in person
14 in the office of the election authority or at a voter
15 registration location specifically designated for this purpose
16 by the election authority. The election authority shall
17 register that individual, or change a registered voter's
18 address, in the same manner as otherwise provided by this
19 Article for registration and change of address.

20 If a voter who registers or changes address during this
21 grace period wishes to vote at the first election or primary
22 occurring after the grace period, he or she must do so by grace
23 period voting, either in person in the office of the election
24 authority or at a location specifically designated for this
25 purpose by the election authority, or by mail, at the
26 discretion of the election authority. Grace period voting shall
27 be in a manner substantially similar to voting under Article
28 19.

29 Within one day after a voter casts a grace period ballot,
30 the election authority shall transmit the voter's name, street
31 address, and precinct, ward, township, and district numbers, as
32 the case may be, to the State Board of Elections, which shall
33 maintain those names and that information in an electronic

1 format on its website, arranged by county and accessible to
2 State and local political committees. The name of each person
3 issued a grace period ballot shall also be placed on the
4 appropriate precinct list of persons to whom absentee and early
5 ballots have been issued, for use as provided in Sections 17-9
6 and 18-5.

7 A person who casts a grace period ballot shall not be
8 permitted to revoke that ballot and vote another ballot with
9 respect to that primary or election. Ballots cast by persons
10 who register or change address during the grace period must be
11 transmitted to and counted at the election authority's central
12 ballot counting location and shall not be transmitted to and
13 counted at precinct polling places. The grace period ballots
14 determined to be valid shall be added to the vote totals for
15 the precincts for which they were cast in the order in which
16 the ballots were opened.

17 (Source: P.A. 93-1082, eff. 7-1-05.)

18 (10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

19 Sec. 7-60. Not less than 67 days before the date of the
20 general election, the State Board of Elections shall certify to
21 the county clerks the names of each of the candidates who have
22 been nominated as shown by the proclamation of the State Board
23 of Elections as a canvassing board or who have been nominated
24 to fill a vacancy in nomination and direct the election
25 authority to place upon the official ballot for the general
26 election the names of such candidates in the same manner and in
27 the same order as shown upon the certification, except as
28 otherwise provided in this Section.

29 Not less than 61 days before the date of the general
30 election, each county clerk shall certify the names of each of
31 the candidates for county offices who have been nominated as
32 shown by the proclamation of the county election authority or
33 who have been nominated to fill a vacancy in nomination and

1 declare that the names of such candidates for the respective
2 offices shall be placed upon the official ballot for the
3 general election in the same manner and in the same order as
4 shown upon the certification, except as otherwise provided by
5 this Section. Each county clerk shall place a copy of the
6 certification on file in his or her office and at the same time
7 issue to the State Board of Elections a copy of such
8 certification. In addition, each county clerk in whose county
9 there is a board of election commissioners shall, not less than
10 61 days before the date of the general election, issue to such
11 board a copy of the certification that has been filed in the
12 county clerk's office, together with a copy of the
13 certification that has been issued to the clerk by the State
14 Board of Elections, with directions to the board of election
15 commissioners to place upon the official ballot for the general
16 election in that election jurisdiction the names of all
17 candidates that are listed on such certifications, in the same
18 manner and in the same order as shown upon such certifications,
19 except as otherwise provided in this Section.

20 Whenever there are two or more persons nominated by the
21 same political party for multiple offices for any board, the
22 name of the candidate of such party receiving the highest
23 number of votes in the primary election as a candidate for such
24 office, as shown by the official election returns of the
25 primary, shall be certified first under the name of such
26 offices, and the names of the remaining candidates of such
27 party for such offices shall follow in the order of the number
28 of votes received by them respectively at the primary election
29 as shown by the official election results.

30 No person who is shown by the final ~~election authority's~~
31 proclamation to have been nominated or elected at the primary
32 as a write-in candidate shall have his or her name certified
33 unless such person shall have filed with the certifying office
34 or board within 10 days after the election authority's

1 proclamation a statement of candidacy pursuant to Section 7-10,
2 a statement pursuant to Section 7-10.1, and a receipt for the
3 filing of a statement of economic interests in relation to the
4 unit of government to which he or she has been elected or
5 nominated.

6 Each county clerk and board of election commissioners shall
7 determine by a fair and impartial method of random selection
8 the order of placement of established political party
9 candidates for the general election ballot. Such determination
10 shall be made within 30 days following the canvass and
11 proclamation of the results of the general primary in the
12 office of the county clerk or board of election commissioners
13 and shall be open to the public. Seven days written notice of
14 the time and place of conducting such random selection shall be
15 given, by each such election authority, to the County Chairman
16 of each established political party, and to each organization
17 of citizens within the election jurisdiction which was
18 entitled, under this Article, at the next preceding election,
19 to have pollwatchers present on the day of election. Each
20 election authority shall post in a conspicuous, open and public
21 place, at the entrance of the election authority office, notice
22 of the time and place of such lottery. However, a board of
23 election commissioners may elect to place established
24 political party candidates on the general election ballot in
25 the same order determined by the county clerk of the county in
26 which the city under the jurisdiction of such board is located.

27 Each certification shall indicate, where applicable, the
28 following:

29 (1) The political party affiliation of the candidates for
30 the respective offices;

31 (2) If there is to be more than one candidate elected to an
32 office from the State, political subdivision or district;

33 (3) If the voter has the right to vote for more than one
34 candidate for an office;

1 (4) The term of office, if a vacancy is to be filled for
2 less than a full term or if the offices to be filled in a
3 political subdivision are for different terms.

4 The State Board of Elections or the county clerk, as the
5 case may be, shall issue an amended certification whenever it
6 is discovered that the original certification is in error.

7 (Source: P.A. 94-645, eff. 8-22-05; 94-647, eff. 1-1-06;
8 revised 8-29-05.)

9 (10 ILCS 5/9-9.5)

10 Sec. 9-9.5. Disclosures in political communications.

11 (a) Any political committee, organized under the Election
12 Code, that makes an expenditure for a pamphlet, circular,
13 handbill, Internet or telephone communication, radio,
14 television, or print advertisement, or other communication
15 directed at voters and mentioning the name of a candidate in
16 the next upcoming election shall ensure that the name of the
17 political committee paying for any part of the communication,
18 including, but not limited to, its preparation and
19 distribution, is identified clearly within the communication
20 as the payor. This subsection ~~Section~~ does not apply to items
21 that are too small to contain the required disclosure. Nothing
22 in this subsection ~~Section~~ shall require disclosure on any
23 telephone communication using random sampling or other
24 scientific survey methods to gauge public opinion for or
25 against any candidate or question of public policy.

26 Whenever any vendor or other person provides any of the
27 services listed in this subsection ~~Section~~, other than any
28 telephone communication using random sampling or other
29 scientific survey methods to gauge public opinion for or
30 against any candidate or question of public policy, the vendor
31 or person shall keep and maintain records showing the name and
32 address of the person who purchased or requested the services
33 and the amount paid for the services. The records required by

1 this subsection ~~Section~~ shall be kept for a period of one year
2 after the date upon which payment was received for the
3 services.

4 (b) Any political committee, organized under this Code,
5 that makes an expenditure for a pamphlet, circular, handbill,
6 Internet or telephone communication, radio, television, or
7 print advertisement, or other communication directed at voters
8 and (i) mentioning the name of a candidate in the next upcoming
9 election, without that candidate's permission, and (ii)
10 advocating for or against a public policy position shall ensure
11 that the name of the political committee paying for any part of
12 the communication, including, but not limited to, its
13 preparation and distribution, is identified clearly within the
14 communication. Nothing in this subsection shall require
15 disclosure on any telephone communication using random
16 sampling or other scientific survey methods to gauge public
17 opinion for or against any candidate or question of public
18 policy.

19 (c) A political committee organized under this Code shall
20 not make an expenditure for any unsolicited telephone call to
21 the line of a residential telephone customer in this State
22 using any method to block or otherwise circumvent that
23 customer's use of a caller identification service.

24 (Source: P.A. 93-615, eff. 11-19-03; 93-847, eff. 7-30-04;
25 94-645, eff. 8-22-05.)

26 (10 ILCS 5/13-1) (from Ch. 46, par. 13-1)

27 Sec. 13-1. In counties not under township organization, the
28 county board of commissioners shall at its meeting in July ~~May~~
29 in each even-numbered year appoint in each election precinct 5
30 capable and discreet persons meeting the qualifications of
31 Section 13-4 to be judges of election. Where neither voting
32 machines nor electronic, mechanical or electric voting systems
33 are used, the county board may, for any precinct with respect

1 to which the board considers such action necessary or desirable
2 in view of the number of voters, and shall for general
3 elections for any precinct containing more than 600 registered
4 voters, appoint in addition to the 5 judges of election a team
5 of 5 tally judges. In such precincts the judges of election
6 shall preside over the election during the hours the polls are
7 open, and the tally judges, with the assistance of the holdover
8 judges designated pursuant to Section 13-6.2, shall count the
9 vote after the closing of the polls. However, the County Board
10 of Commissioners may appoint 3 judges of election to serve in
11 lieu of the 5 judges of election otherwise required by this
12 Section to serve in any emergency referendum, or in any
13 odd-year regular election or in any special primary or special
14 election called for the purpose of filling a vacancy in the
15 office of representative in the United States Congress or to
16 nominate candidates for such purpose. The tally judges shall
17 possess the same qualifications and shall be appointed in the
18 same manner and with the same division between political
19 parties as is provided for judges of election.

20 In addition to such precinct judges, the county board of
21 commissioners shall appoint special panels of 3 judges each,
22 who shall possess the same qualifications and shall be
23 appointed in the same manner and with the same division between
24 political parties as is provided for other judges of election.
25 The number of such panels of judges required shall be
26 determined by regulations of the State Board of Elections which
27 shall base the required numbers of special panels on the number
28 of registered voters in the jurisdiction or the number of
29 absentee ballots voted at recent elections, or any combination
30 of such factors.

31 Such appointment shall be confirmed by the court as
32 provided in Section 13-3 of this Article. No more than 3
33 persons of the same political party shall be appointed judges
34 of the same election precinct or election judge panel. The

1 appointment shall be made in the following manner: The county
2 board of commissioners shall select and approve 3 persons as
3 judges of election in each election precinct from a certified
4 list, furnished by the chairman of the County Central Committee
5 of the first leading political party in such precinct; and the
6 county board of commissioners shall also select and approve 2
7 persons as judges of election in each election precinct from a
8 certified list, furnished by the chairman of the County Central
9 Committee of the second leading political party. However, if
10 only 3 judges of election serve in each election precinct, no
11 more than 2 persons of the same political party shall be judges
12 of election in the same election precinct; and which political
13 party is entitled to 2 judges of election and which political
14 party is entitled to one judge of election shall be determined
15 in the same manner as set forth in the next two preceding
16 sentences with regard to 5 election judges in each precinct.
17 Such certified list shall be filed with the county clerk not
18 less than 10 days before the annual meeting of the county board
19 of commissioners. Such list shall be arranged according to
20 precincts. The chairman of each county central committee shall,
21 insofar as possible, list persons who reside within the
22 precinct in which they are to serve as judges. However, he may,
23 in his sole discretion, submit the names of persons who reside
24 outside the precinct but within the county embracing the
25 precinct in which they are to serve. He must, however, submit
26 the names of at least 2 residents of the precinct for each
27 precinct in which his party is to have 3 judges and must submit
28 the name of at least one resident of the precinct for each
29 precinct in which his party is to have 2 judges. The county
30 board of commissioners shall acknowledge in writing to each
31 county chairman the names of all persons submitted on such
32 certified list and the total number of persons listed thereon.
33 If no such list is filed or such list is incomplete (that is,
34 no names or an insufficient number of names are furnished for

1 certain election precincts), the county board of commissioners
2 shall make or complete such list from the names contained in
3 the supplemental list provided for in Section 13-1.1. The
4 election judges shall hold their office for 2 years from their
5 appointment, and until their successors are duly appointed in
6 the manner provided in this Act. The county board of
7 commissioners shall fill all vacancies in the office of judge
8 of election at any time in the manner provided in this Act.

9 (Source: P.A. 91-352, eff. 1-1-00.)

10 (10 ILCS 5/13-2) (from Ch. 46, par. 13-2)

11 Sec. 13-2. In counties under the township organization the
12 county board shall at its meeting in July ~~May~~ in each
13 even-numbered year except in counties containing a population
14 of 3,000,000 inhabitants or over and except when such judges
15 are appointed by election commissioners, select in each
16 election precinct in the county, 5 capable and discreet persons
17 to be judges of election who shall possess the qualifications
18 required by this Act for such judges. Where neither voting
19 machines nor electronic, mechanical or electric voting systems
20 are used, the county board may, for any precinct with respect
21 to which the board considers such action necessary or desirable
22 in view of the number of voters, and shall for general
23 elections for any precinct containing more than 600 registered
24 voters, appoint in addition to the 5 judges of election a team
25 of 5 tally judges. In such precincts the judges of election
26 shall preside over the election during the hours the polls are
27 open, and the tally judges, with the assistance of the holdover
28 judges designated pursuant to Section 13-6.2, shall count the
29 vote after the closing of the polls. The tally judges shall
30 possess the same qualifications and shall be appointed in the
31 same manner and with the same division between political
32 parties as is provided for judges of election.

33 However, the county board may appoint 3 judges of election

1 to serve in lieu of the 5 judges of election otherwise required
2 by this Section to serve in any emergency referendum, or in any
3 odd-year regular election or in any special primary or special
4 election called for the purpose of filling a vacancy in the
5 office of representative in the United States Congress or to
6 nominate candidates for such purpose.

7 In addition to such precinct judges, the county board shall
8 appoint special panels of 3 judges each, who shall possess the
9 same qualifications and shall be appointed in the same manner
10 and with the same division between political parties as is
11 provided for other judges of election. The number of such
12 panels of judges required shall be determined by regulations of
13 the State Board of Elections, which shall base the required
14 number of special panels on the number of registered voters in
15 the jurisdiction or the number of absentee ballots voted at
16 recent elections or any combination of such factors.

17 No more than 3 persons of the same political party shall be
18 appointed judges in the same election district or undivided
19 precinct. The election of the judges of election in the various
20 election precincts shall be made in the following manner: The
21 county board shall select and approve 3 of the election judges
22 in each precinct from a certified list furnished by the
23 chairman of the County Central Committee of the first leading
24 political party in such election precinct and shall also select
25 and approve 2 judges of election in each election precinct from
26 a certified list furnished by the chairman of the County
27 Central Committee of the second leading political party in such
28 election precinct. However, if only 3 judges of election serve
29 in each election precinct, no more than 2 persons of the same
30 political party shall be judges of election in the same
31 election precinct; and which political party is entitled to 2
32 judges of election and which political party is entitled to one
33 judge of election shall be determined in the same manner as set
34 forth in the next two preceding sentences with regard to 5

1 election judges in each precinct. The respective County Central
2 Committee chairman shall notify the county board by June 1 of
3 each odd-numbered year immediately preceding the annual
4 meeting of the county board whether or not such certified list
5 will be filed by such chairman. Such list shall be arranged
6 according to precincts. The chairman of each county central
7 committee shall, insofar as possible, list persons who reside
8 within the precinct in which they are to serve as judges.
9 However, he may, in his sole discretion, submit the names of
10 persons who reside outside the precinct but within the county
11 embracing the precinct in which they are to serve. He must,
12 however, submit the names of at least 2 residents of the
13 precinct for each precinct in which his party is to have 3
14 judges and must submit the name of at least one resident of the
15 precinct for each precinct in which his party is to have 2
16 judges. Such certified list, if filed, shall be filed with the
17 county clerk not less than 20 days before the annual meeting of
18 the county board. The county board shall acknowledge in writing
19 to each county chairman the names of all persons submitted on
20 such certified list and the total number of persons listed
21 thereon. If no such list is filed or the list is incomplete
22 (that is, no names or an insufficient number of names are
23 furnished for certain election precincts), the county board
24 shall make or complete such list from the names contained in
25 the supplemental list provided for in Section 13-1.1. Provided,
26 further, that in any case where a township has been or shall be
27 redistricted, in whole or in part, subsequent to one general
28 election for Governor, and prior to the next, the judges of
29 election to be selected for all new or altered precincts shall
30 be selected in that one of the methods above detailed, which
31 shall be applicable according to the facts and circumstances of
32 the particular case, but the majority of such judges for each
33 such precinct shall be selected from the first leading
34 political party, and the minority judges from the second

1 leading political party. Provided, further, that in counties
2 having a population of 1,000,000 inhabitants or over the
3 selection of judges of election shall be made in the same
4 manner in all respects as in other counties, except that the
5 provisions relating to tally judges are inapplicable to such
6 counties and except that the county board shall meet during the
7 month of January for the purpose of making such selection and
8 the chairman of each county central committee shall notify the
9 county board by the preceding October 1 whether or not the
10 certified list will be filed. Such judges of election shall
11 hold their office for 2 years from their appointment and until
12 their successors are duly appointed in the manner provided in
13 this Act. The county board shall fill all vacancies in the
14 office of judges of elections at any time in the manner herein
15 provided.

16 Such selections under this Section shall be confirmed by
17 the circuit court as provided in Section 13-3 of this Article.

18 (Source: P.A. 91-352, eff. 1-1-00.)

19 (10 ILCS 5/14-3.1) (from Ch. 46, par. 14-3.1)

20 Sec. 14-3.1. The board of election commissioners shall,
21 during the month of July ~~May~~ of each even-numbered year, select
22 for each election precinct within the jurisdiction of the board
23 5 persons to be judges of election who shall possess the
24 qualifications required by this Act for such judges. The
25 selection shall be made by a county board of election
26 commissioners in the following manner: the county board of
27 election commissioners shall select and approve 3 persons as
28 judges of election in each election precinct from a certified
29 list furnished by the chairman of the county central committee
30 of the first leading political party in that precinct; the
31 county board of election commissioners also shall select and
32 approve 2 persons as judges of election in each election
33 precinct from a certified list furnished by the chairman of the

1 county central committee of the second leading political party
2 in that precinct. The selection by a municipal board of
3 election commissioners shall be made in the following manner:
4 for each precinct, 3 judges shall be selected from one of the 2
5 leading political parties and the other 2 judges shall be
6 selected from the other leading political party; the parties
7 entitled to 3 and 2 judges, respectively, in the several
8 precincts shall be determined as provided in Section 14-4.
9 However, a Board of Election Commissioners may appoint three
10 judges of election to serve in lieu of the 5 judges of election
11 otherwise required by this Section to serve in any emergency
12 referendum, or in any odd-year regular election or in any
13 special primary or special election called for the purpose of
14 filling a vacancy in the office of representative in the United
15 States Congress or to nominate candidates for such purpose.

16 If only 3 judges of election serve in each election
17 precinct, no more than 2 persons of the same political party
18 shall be judges of election in the same election precinct, and
19 which political party is entitled to 2 judges of election and
20 which political party is entitled to one judge of election
21 shall be determined as set forth in this Section for a county
22 board of election commissioners' selection of 5 election judges
23 in each precinct or in Section 14-4 for a municipal board of
24 election commissioners' selection of election judges in each
25 precinct, whichever is appropriate. In addition to such
26 precinct judges, the board of election commissioners shall
27 appoint special panels of 3 judges each, who shall possess the
28 same qualifications and shall be appointed in the same manner
29 and with the same division between political parties as is
30 provided for other judges of election. The number of such
31 panels of judges required shall be determined by regulation of
32 the State Board of Elections, which shall base the required
33 number of special panels on the number of registered voters in
34 the jurisdiction or the number of absentee ballots voted at

1 recent elections or any combination of such factors. A
2 municipal board of election commissioners shall make the
3 selections of persons qualified under Section 14-1 from
4 certified lists furnished by the chairman of the respective
5 county central committees of the 2 leading political parties.
6 Lists furnished by chairmen of county central committees under
7 this Section shall be arranged according to precincts. The
8 chairman of each county central committee shall, insofar as
9 possible, list persons who reside within the precinct in which
10 they are to serve as judges. However, he may, in his sole
11 discretion, submit the names of persons who reside outside the
12 precinct but within the county embracing the precinct in which
13 they are to serve. He must, however, submit the names of at
14 least 2 residents of the precinct for each precinct in which
15 his party is to have 3 judges and must submit the name of at
16 least one resident of the precinct for each precinct in which
17 his party is to have 2 judges. The board of election
18 commissioners shall no later than March 1 of each even-numbered
19 year notify the chairmen of the respective county central
20 committees of their responsibility to furnish such lists, and
21 each such chairman shall furnish the board of election
22 commissioners with the list for his party on or before May 1 of
23 each even-numbered year. The board of election commissioners
24 shall acknowledge in writing to each county chairman the names
25 of all persons submitted on such certified list and the total
26 number of persons listed thereon. If no such list is furnished
27 or if no names or an insufficient number of names are furnished
28 for certain precincts, the board of election commissioners
29 shall make or complete such list from the names contained in
30 the supplemental list provided for in Section 14-3.2. Judges of
31 election shall hold their office for 2 years from their
32 appointment and until their successors are duly appointed in
33 the manner herein provided. The board of election commissioners
34 shall, subject to the provisions of Section 14-3.2, fill all

1 vacancies in the office of judges of election at any time in
2 the manner herein provided.

3 Such selections under this Section shall be confirmed by
4 the court as provided in Section 14-5.

5 (Source: P.A. 89-471, eff. 6-13-96.)

6 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

7 Sec. 17-9. Any person desiring to vote shall give his name
8 and, if required to do so, his residence to the judges of
9 election, one of whom shall thereupon announce the same in a
10 loud and distinct tone of voice, clear, and audible; the judges
11 of elections shall check each application for ballot against
12 the list of voters registered in that precinct to whom grace
13 period, absentee, or early ballots have been issued for that
14 election, which shall be provided by the election authority and
15 which list shall be available for inspection by pollwatchers. A
16 voter applying to vote in the precinct on election day whose
17 name appears on the list as having been issued a grace period,
18 an absentee, or early ballot shall not be permitted to vote in
19 the precinct, except that a voter to whom an absentee ballot
20 was issued may vote in the precinct if the voter submits to the
21 election judges that absentee ballot for cancellation. If the
22 voter is unable to submit the absentee ballot, it shall be
23 sufficient for the voter to submit to the election judges (i) a
24 portion of the absentee ballot if the absentee ballot was torn
25 or mutilated or (ii) an affidavit executed before the election
26 judges specifying that (A) the voter never received an absentee
27 ballot or (B) the voter completed and returned an absentee
28 ballot and was informed that the election authority did not
29 receive that absentee ballot. All applicable provisions of
30 Articles 4, 5 or 6 shall be complied with and if such name is
31 found on the register of voters by the officer having charge
32 thereof, he shall likewise repeat said name, and the voter
33 shall be allowed to enter within the proximity of the voting

1 booths, as above provided. One of the judges shall give the
2 voter one, and only one of each ballot to be voted at the
3 election, on the back of which ballots such judge shall indorse
4 his initials in such manner that they may be seen when each
5 such ballot is properly folded, and the voter's name shall be
6 immediately checked on the register list. In those election
7 jurisdictions where perforated ballot cards are utilized of the
8 type on which write-in votes can be cast above the perforation,
9 the election authority shall provide a space both above and
10 below the perforation for the judge's initials, and the judge
11 shall endorse his or her initials in both spaces. Whenever a
12 proposal for a constitutional amendment or for the calling of a
13 constitutional convention is to be voted upon at the election,
14 the separate blue ballot or ballots pertaining thereto shall,
15 when being handed to the voter, be placed on top of the other
16 ballots to be voted at the election in such manner that the
17 legend appearing on the back thereof, as prescribed in Section
18 16-6 of this Act, shall be plainly visible to the voter. At all
19 elections, when a registry may be required, if the name of any
20 person so desiring to vote at such election is not found on the
21 register of voters, he or she shall not receive a ballot until
22 he or she shall have complied with the law prescribing the
23 manner and conditions of voting by unregistered voters. If any
24 person desiring to vote at any election shall be challenged, he
25 or she shall not receive a ballot until he or she shall have
26 established his right to vote in the manner provided
27 hereinafter; and if he or she shall be challenged after he has
28 received his ballot, he shall not be permitted to vote until he
29 or she has fully complied with such requirements of the law
30 upon being challenged. Besides the election officer, not more
31 than 2 voters in excess of the whole number of voting booths
32 provided shall be allowed within the proximity of the voting
33 booths at one time. The provisions of this Act, so far as they
34 require the registration of voters as a condition to their

1 being allowed to vote shall not apply to persons otherwise
 2 entitled to vote, who are, at the time of the election, or at
 3 any time within 60 days prior to such election have been
 4 engaged in the military or naval service of the United States,
 5 and who appear personally at the polling place on election day
 6 and produce to the judges of election satisfactory evidence
 7 thereof, but such persons, if otherwise qualified to vote,
 8 shall be permitted to vote at such election without previous
 9 registration.

10 All such persons shall also make an affidavit which shall
 11 be in substantially the following form:

12 State of Illinois,)

13) ss.

14 County of)

15 Precinct Ward

16 I,, do solemnly swear (or affirm) that I am a citizen
 17 of the United States, of the age of 18 years or over, and that
 18 within the past 60 days prior to the date of this election at
 19 which I am applying to vote, I have been engaged in the
 20 (military or naval) service of the United States; and I am
 21 qualified to vote under and by virtue of the Constitution and
 22 laws of the State of Illinois, and that I am a legally
 23 qualified voter of this precinct and ward except that I have,
 24 because of such service, been unable to register as a voter;
 25 that I now reside at (insert street and number, if any) in
 26 this precinct and ward; that I have maintained a legal
 27 residence in this precinct and ward for 30 days and in this
 28 State 30 days next preceding this election.

29

30 Subscribed and sworn to before me on (insert date).

31

32 Judge of Election.

33 The affidavit of any such person shall be supported by the

1 affidavit of a resident and qualified voter of any such
2 precinct and ward, which affidavit shall be in substantially
3 the following form:

4 State of Illinois,)

5) ss.

6 County of

7 Precinct Ward

8 I,, do solemnly swear (or affirm), that I am a
9 resident of this precinct and ward and entitled to vote at this
10 election; that I am acquainted with (name of the
11 applicant); that I verily believe him to be an actual bona fide
12 resident of this precinct and ward and that I verily believe
13 that he or she has maintained a legal residence therein 30 days
14 and in this State 30 days next preceding this election.

15

16 Subscribed and sworn to before me on (insert date).

17

18 Judge of Election.

19 All affidavits made under the provisions of this Section
20 shall be enclosed in a separate envelope securely sealed, and
21 shall be transmitted with the returns of the elections to the
22 county clerk or to the board of election commissioners, who
23 shall preserve the said affidavits for the period of 6 months,
24 during which period such affidavits shall be deemed public
25 records and shall be freely open to examination as such.

26 (Source: P.A. 94-645, eff. 8-22-05.)

27 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

28 Sec. 18-5. Any person desiring to vote and whose name is
29 found upon the register of voters by the person having charge
30 thereof, shall then be questioned by one of the judges as to
31 his nativity, his term of residence at present address,
32 precinct, State and United States, his age, whether naturalized

1 and if so the date of naturalization papers and court from
2 which secured, and he shall be asked to state his residence
3 when last previously registered and the date of the election
4 for which he then registered. The judges of elections shall
5 check each application for ballot against the list of voters
6 registered in that precinct to whom grace period, absentee, and
7 early ballots have been issued for that election, which shall
8 be provided by the election authority and which list shall be
9 available for inspection by pollwatchers. A voter applying to
10 vote in the precinct on election day whose name appears on the
11 list as having been issued a grace period, ~~an~~ absentee, or
12 early ballot shall not be permitted to vote in the precinct,
13 except that a voter to whom an absentee ballot was issued may
14 vote in the precinct if the voter submits to the election
15 judges that absentee ballot for cancellation. If the voter is
16 unable to submit the absentee ballot, it shall be sufficient
17 for the voter to submit to the election judges (i) a portion of
18 the absentee ballot if the absentee ballot was torn or
19 mutilated or (ii) an affidavit executed before the election
20 judges specifying that (A) the voter never received an absentee
21 ballot or (B) the voter completed and returned an absentee
22 ballot and was informed that the election authority did not
23 receive that absentee ballot. If such person so registered
24 shall be challenged as disqualified, the party challenging
25 shall assign his reasons therefor, and thereupon one of the
26 judges shall administer to him an oath to answer questions, and
27 if he shall take the oath he shall then be questioned by the
28 judge or judges touching such cause of challenge, and touching
29 any other cause of disqualification. And he may also be
30 questioned by the person challenging him in regard to his
31 qualifications and identity. But if a majority of the judges
32 are of the opinion that he is the person so registered and a
33 qualified voter, his vote shall then be received accordingly.
34 But if his vote be rejected by such judges, such person may

1 afterward produce and deliver an affidavit to such judges,
2 subscribed and sworn to by him before one of the judges, in
3 which it shall be stated how long he has resided in such
4 precinct, and state; that he is a citizen of the United States,
5 and is a duly qualified voter in such precinct, and that he is
6 the identical person so registered. In addition to such an
7 affidavit, the person so challenged shall provide to the judges
8 of election proof of residence by producing 2 forms of
9 identification showing the person's current residence address,
10 provided that such identification to the person at his current
11 residence address and postmarked not earlier than 30 days prior
12 to the date of the election, or the person shall procure a
13 witness personally known to the judges of election, and
14 resident in the precinct (or district), or who shall be proved
15 by some legal voter of such precinct or district, known to the
16 judges to be such, who shall take the oath following, viz:

17 I do solemnly swear (or affirm) that I am a resident of
18 this election precinct (or district), and entitled to vote at
19 this election, and that I have been a resident of this State
20 for 30 days last past, and am well acquainted with the person
21 whose vote is now offered; that he is an actual and bona fide
22 resident of this election precinct (or district), and has
23 resided herein 30 days, and as I verily believe, in this State,
24 30 days next preceding this election.

25 The oath in each case may be administered by one of the
26 judges of election, or by any officer, resident in the precinct
27 or district, authorized by law to administer oaths. Also
28 supported by an affidavit by a registered voter residing in
29 such precinct, stating his own residence, and that he knows
30 such person; and that he does reside at the place mentioned and
31 has resided in such precinct and state for the length of time
32 as stated by such person, which shall be subscribed and sworn
33 to in the same way. Whereupon the vote of such person shall be
34 received, and entered as other votes. But such judges, having

1 charge of such registers, shall state in their respective books
2 the facts in such case, and the affidavits, so delivered to the
3 judges, shall be preserved and returned to the office of the
4 commissioners of election. Blank affidavits of the character
5 aforesaid shall be sent out to the judges of all the precincts,
6 and the judges of election shall furnish the same on demand and
7 administer the oaths without criticism. Such oaths, if
8 administered by any other officer than such judge of election,
9 shall not be received. Whenever a proposal for a constitutional
10 amendment or for the calling of a constitutional convention is
11 to be voted upon at the election, the separate blue ballot or
12 ballots pertaining thereto shall be placed on top of the other
13 ballots to be voted at the election in such manner that the
14 legend appearing on the back thereof, as prescribed in Section
15 16-6 of this Act, shall be plainly visible to the voter, and in
16 this fashion the ballots shall be handed to the voter by the
17 judge.

18 The voter shall, upon quitting the voting booth, deliver to
19 one of the judges of election all of the ballots, properly
20 folded, which he received. The judge of election to whom the
21 voter delivers his ballots shall not accept the same unless all
22 of the ballots given to the voter are returned by him. If a
23 voter delivers less than all of the ballots given to him, the
24 judge to whom the same are offered shall advise him in a voice
25 clearly audible to the other judges of election that the voter
26 must return the remainder of the ballots. The statement of the
27 judge to the voter shall clearly express the fact that the
28 voter is not required to vote such remaining ballots but that
29 whether or not he votes them he must fold and deliver them to
30 the judge. In making such statement the judge of election shall
31 not indicate by word, gesture or intonation of voice that the
32 unreturned ballots shall be voted in any particular manner. No
33 new voter shall be permitted to enter the voting booth of a
34 voter who has failed to deliver the total number of ballots

1 received by him until such voter has returned to the voting
2 booth pursuant to the judge's request and again quit the booth
3 with all of the ballots required to be returned by him. Upon
4 receipt of all such ballots the judges of election shall enter
5 the name of the voter, and his number, as above provided in
6 this Section, and the judge to whom the ballots are delivered
7 shall immediately put the ballots into the ballot box. If any
8 voter who has failed to deliver all the ballots received by him
9 refuses to return to the voting booth after being advised by
10 the judge of election as herein provided, the judge shall
11 inform the other judges of such refusal, and thereupon the
12 ballot or ballots returned to the judge shall be deposited in
13 the ballot box, the voter shall be permitted to depart from the
14 polling place, and a new voter shall be permitted to enter the
15 voting booth.

16 The judge of election who receives the ballot or ballots
17 from the voter shall announce the residence and name of such
18 voter in a loud voice. The judge shall put the ballot or
19 ballots received from the voter into the ballot box in the
20 presence of the voter and the judges of election, and in plain
21 view of the public. The judges having charge of such registers
22 shall then, in a column prepared thereon, in the same line of,
23 the name of the voter, mark "Voted" or the letter "V".

24 No judge of election shall accept from any voter less than
25 the full number of ballots received by such voter without first
26 advising the voter in the manner above provided of the
27 necessity of returning all of the ballots, nor shall any such
28 judge advise such voter in a manner contrary to that which is
29 herein permitted, or in any other manner violate the provisions
30 of this Section; provided, that the acceptance by a judge of
31 election of less than the full number of ballots delivered to a
32 voter who refuses to return to the voting booth after being
33 properly advised by such judge shall not be a violation of this
34 Section.

1 (Source: P.A. 94-645, eff. 8-22-05.)

2 (10 ILCS 5/18A-15)

3 Sec. 18A-15. Validating and counting provisional ballots.

4 (a) The county clerk or board of election commissioners
5 shall complete the validation and counting of provisional
6 ballots within 14 calendar days of the day of the election. The
7 county clerk or board of election commissioners shall have 7
8 calendar days from the completion of the validation and
9 counting of provisional ballots to conduct its final canvass.
10 The State Board of Elections shall complete within 31 calendar
11 days of the election or sooner if all the returns are received,
12 its final canvass of the vote for all public offices.

13 (b) If a county clerk or board of election commissioners
14 determines that all of the following apply, then a provisional
15 ballot is valid and shall be counted as a vote:

16 (1) The provisional voter cast the provisional ballot
17 in the correct precinct based on the address provided by
18 the provisional voter. The provisional voter's affidavit
19 shall serve as a change of address request by that voter
20 for registration purposes for the next ensuing election if
21 it bears an address different from that in the records of
22 the election authority;

23 (2) The affidavit executed by the provisional voter
24 pursuant to subsection (b) (2) of Section 18A-5 contains, at
25 a minimum, the provisional voter's first and last name,
26 house number and street name, and signature or mark; and

27 (3) the provisional voter is a registered voter based
28 on information available to the county clerk or board of
29 election commissioners provided by or obtained from any of
30 the following:

31 i. the provisional voter;

32 ii. an election judge;

33 iii. the statewide voter registration database

1 maintained by the State Board of Elections;

2 iv. the records of the county clerk or board of
3 election commissioners' database; or

4 v. the records of the Secretary of State.

5 (c) With respect to subsection (b) (3) of this Section, the
6 county clerk or board of election commissioners shall
7 investigate and record whether or not the specified information
8 is available from each of the 5 identified sources. If the
9 information is available from one or more of the identified
10 sources, then the county clerk or board of election
11 commissioners shall seek to obtain the information from each of
12 those sources until satisfied, with information from at least
13 one of those sources, that the provisional voter is registered
14 and entitled to vote. The county clerk or board of election
15 commissioners shall use any information it obtains as the basis
16 for determining the voter registration status of the
17 provisional voter. If a conflict exists among the information
18 available to the county clerk or board of election
19 commissioners as to the registration status of the provisional
20 voter, then the county clerk or board of election commissioners
21 shall make a determination based on the totality of the
22 circumstances. In a case where the above information equally
23 supports or opposes the registration status of the voter, the
24 county clerk or board of election commissioners shall decide in
25 favor of the provisional voter as being duly registered to
26 vote. If the statewide voter registration database maintained
27 by the State Board of Elections indicates that the provisional
28 voter is registered to vote, but the county clerk's or board of
29 election commissioners' voter registration database indicates
30 that the provisional voter is not registered to vote, then the
31 information found in the statewide voter registration database
32 shall control the matter and the provisional voter shall be
33 deemed to be registered to vote. If the records of the county
34 clerk or board of election commissioners indicates that the

1 provisional voter is registered to vote, but the statewide
2 voter registration database maintained by the State Board of
3 Elections indicates that the provisional voter is not
4 registered to vote, then the information found in the records
5 of the county clerk or board of election commissioners shall
6 control the matter and the provisional voter shall be deemed to
7 be registered to vote. If the provisional voter's signature on
8 his or her provisional ballot request varies from the signature
9 on an otherwise valid registration application solely because
10 of the substitution of initials for the first or middle name,
11 the election authority may not reject the provisional ballot.

12 (d) In validating the registration status of a person
13 casting a provisional ballot, the county clerk or board of
14 election commissioners shall not require a provisional voter to
15 complete any form other than the affidavit executed by the
16 provisional voter under subsection (b) (2) of Section 18A-5. In
17 addition, the county clerk or board of election commissioners
18 shall not require all provisional voters or any particular
19 class or group of provisional voters to appear personally
20 before the county clerk or board of election commissioners or
21 as a matter of policy require provisional voters to submit
22 additional information to verify or otherwise support the
23 information already submitted by the provisional voter. The
24 provisional voter may, within 2 calendar days after the
25 election, submit additional information to the county clerk or
26 board of election commissioners. This information must be
27 received by the county clerk or board of election commissioners
28 within the 2-calendar-day period.

29 (e) If the county clerk or board of election commissioners
30 determines that subsection (b) (1), (b) (2), or (b) (3) does not
31 apply, then the provisional ballot is not valid and may not be
32 counted. The provisional ballot envelope containing the ballot
33 cast by the provisional voter may not be opened. The county
34 clerk or board of election commissioners shall write on the

1 provisional ballot envelope the following: "Provisional ballot
2 determined invalid."

3 (f) If the county clerk or board of election commissioners
4 determines that a provisional ballot is valid under this
5 Section, then the provisional ballot envelope shall be opened.
6 The outside of each provisional ballot envelope shall also be
7 marked to identify the precinct and the date of the election.

8 (g) Provisional ballots determined to be valid shall be
9 counted at the election authority's central ballot counting
10 location and shall not be counted in precincts. The provisional
11 ballots determined to be valid shall be added to the vote
12 totals for the precincts from which they were cast in the order
13 in which the ballots were opened. ~~The county clerk or board of~~
14 ~~election commissioners may, in the alternative, create a~~
15 ~~separate provisional voter precinct for the purpose of~~
16 ~~counting and recording provisional ballots and adding the~~
17 ~~recorded votes to its official canvass.~~ The validation and
18 counting of provisional ballots shall be subject to the
19 provisions of this Code that apply to pollwatchers. If the
20 provisional ballots are a ballot of a punch card voting system,
21 then the provisional ballot shall be counted in a manner
22 consistent with Article 24A. If the provisional ballots are a
23 ballot of optical scan or other type of approved electronic
24 voting system, then the provisional ballots shall be counted in
25 a manner consistent with Article 24B.

26 (h) As soon as the ballots have been counted, the election
27 judges or election officials shall, in the presence of the
28 county clerk or board of election commissioners, place each of
29 the following items in a separate envelope or bag: (1) all
30 provisional ballots, voted or spoiled; (2) all provisional
31 ballot envelopes of provisional ballots voted or spoiled; and
32 (3) all executed affidavits of the provisional ballots voted or
33 spoiled. All provisional ballot envelopes for provisional
34 voters who have been determined not to be registered to vote

1 shall remain sealed. The county clerk or board of election
2 commissioners shall treat the provisional ballot envelope
3 containing the written affidavit as a voter registration
4 application for that person for the next election and process
5 that application. The election judges or election officials
6 shall then securely seal each envelope or bag, initial the
7 envelope or bag, and plainly mark on the outside of the
8 envelope or bag in ink the precinct in which the provisional
9 ballots were cast. The election judges or election officials
10 shall then place each sealed envelope or bag into a box, secure
11 and seal it in the same manner as described in item (6) of
12 subsection (b) of Section 18A-5. Each election judge or
13 election official shall take and subscribe an oath before the
14 county clerk or board of election commissioners that the
15 election judge or election official securely kept the ballots
16 and papers in the box, did not permit any person to open the
17 box or otherwise touch or tamper with the ballots and papers in
18 the box, and has no knowledge of any other person opening the
19 box. For purposes of this Section, the term "election official"
20 means the county clerk, a member of the board of election
21 commissioners, as the case may be, and their respective
22 employees.

23 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

24 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

25 Sec. 19-2.1. At the consolidated primary, general primary,
26 consolidated, and general elections, electors entitled to vote
27 by absentee ballot under the provisions of Section 19-1 may
28 vote in person at the office of the municipal clerk, if the
29 elector is a resident of a municipality not having a board of
30 election commissioners, or at the office of the township clerk
31 or, in counties not under township organization, at the office
32 of the road district clerk if the elector is not a resident of
33 a municipality; provided, in each case that the municipal,

1 township or road district clerk, as the case may be, is
2 authorized to conduct in-person absentee voting pursuant to
3 this Section. Absentee voting in such municipal and township
4 clerk's offices under this Section shall be conducted from the
5 22nd day through the day before the election.

6 Municipal and township clerks (or road district clerks) who
7 have regularly scheduled working hours at regularly designated
8 offices other than a place of residence and whose offices are
9 open for business during the same hours as the office of the
10 election authority shall conduct in-person absentee voting for
11 said elections. Municipal and township clerks (or road district
12 clerks) who have no regularly scheduled working hours but who
13 have regularly designated offices other than a place of
14 residence shall conduct in-person absentee voting for said
15 elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00
16 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on
17 Saturdays, but not during such hours as the office of the
18 election authority is closed, unless the clerk files a written
19 waiver with the election authority not later than July 1 of
20 each year stating that he or she is unable to conduct such
21 voting and the reasons therefor. Such clerks who conduct
22 in-person absentee voting may extend their hours for that
23 purpose to include any hours in which the election authority's
24 office is open. Municipal and township clerks (or road district
25 clerks) who have no regularly scheduled office hours and no
26 regularly designated offices other than a place of residence
27 may not conduct in-person absentee voting for said elections.
28 The election authority may devise alternative methods for
29 in-person absentee voting before said elections for those
30 precincts located within the territorial area of a municipality
31 or township (or road district) wherein the clerk of such
32 municipality or township (or road district) has waived or is
33 not entitled to conduct such voting. In addition, electors may
34 vote by absentee ballot under the provisions of Section 19-1 at

1 the office of the election authority having jurisdiction over
2 their residence. Unless specifically authorized by the
3 election authority, municipal, township, and road district
4 clerks shall not conduct in-person absentee voting. No less
5 than 45 days before the date of an election, the election
6 authority shall notify the municipal, township, and road
7 district clerks within its jurisdiction if they are to conduct
8 in-person absentee voting. Election authorities, however, may
9 conduct in-person absentee voting in one or more designated
10 appropriate public buildings from the fourth day before the
11 election through the day before the election.

12 In conducting in person absentee voting under this Section,
13 the respective clerks shall ~~not~~ be required to verify the
14 signature of the absentee voter by comparison with the
15 signature on the official registration record card. The
16 ~~However, the~~ clerk also shall reasonably ascertain the identity
17 of such applicant, shall verify that each such applicant is a
18 registered voter, and shall verify the precinct in which he or
19 she is registered and the proper ballots of the political
20 subdivisions in which the applicant resides and is entitled to
21 vote, prior to providing any absentee ballot to such applicant.
22 The clerk shall verify the applicant's registration and from
23 the most recent poll list provided by the county clerk, and if
24 the applicant is not listed on that poll list then by
25 telephoning the office of the county clerk.

26 Absentee voting procedures in the office of the municipal,
27 township and road district clerks shall be subject to all of
28 the applicable provisions of this Article 19. Pollwatchers may
29 be appointed to observe in-person absentee voting procedures
30 and view all reasonably requested records relating to the
31 conduct of the election, provided the secrecy of the ballot is
32 not impinged, at the office of the municipal, township or road
33 district clerks' offices where such absentee voting is
34 conducted. Such pollwatchers shall qualify and be appointed in

1 the same manner as provided in Sections 7-34 and 17-23, except
2 each candidate, political party or organization of citizens may
3 appoint only one pollwatcher for each location where in-person
4 absentee voting is conducted. Pollwatchers must be registered
5 to vote in Illinois and possess valid pollwatcher credentials.
6 All requirements in this Article applicable to election
7 authorities shall apply to the respective local clerks, except
8 where inconsistent with this Section.

9 The sealed absentee ballots in their carrier envelope shall
10 be delivered by the respective clerks, or by the election
11 authority on behalf of a clerk if the clerk and the election
12 authority agree, to the election authority's central ballot
13 counting location ~~proper polling place~~ before the close of the
14 polls on the day of the general primary, consolidated primary,
15 consolidated, or general election.

16 Not more than 23 days before the ~~nonpartisan,~~ general and
17 consolidated elections, the county clerk shall make available
18 to those municipal, township and road district clerks
19 conducting in-person absentee voting within such county, a
20 sufficient number of applications, absentee ballots,
21 envelopes, and printed voting instruction slips for use by
22 absentee voters in the offices of such clerks. The respective
23 clerks shall receipt for all ballots received, shall return all
24 unused or spoiled ballots to the county clerk on the day of the
25 election and shall strictly account for all ballots received.

26 The ballots delivered to the respective clerks shall
27 include absentee ballots for each precinct in the municipality,
28 township or road district, or shall include such separate
29 ballots for each political subdivision conducting an election
30 of officers or a referendum on that election day as will permit
31 any resident of the municipality, township or road district to
32 vote absentee in the office of the proper clerk.

33 The clerks of all municipalities, townships and road
34 districts may distribute applications for absentee ballot for

1 the use of voters who wish to mail such applications to the
2 appropriate election authority. Such applications for absentee
3 ballots shall be made on forms provided by the election
4 authority. Duplication of such forms by the municipal, township
5 or road district clerk is prohibited.

6 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

7 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

8 Sec. 19-4. Mailing or delivery of ballots - Time.)
9 Immediately upon the receipt of such application either by
10 mail, not more than 40 days nor less than 5 days prior to such
11 election, or by personal delivery not more than 40 days nor
12 less than one day prior to such election, at the office of such
13 election authority, it shall be the duty of such election
14 authority to examine the records to ascertain whether or not
15 such applicant is lawfully entitled to vote as requested,
16 including a verification of the applicant's signature by
17 comparison with the signature on the official registration
18 record card, and if found so to be entitled to vote, to post
19 within one business day thereafter the name, street address,
20 ward and precinct number or township and district number, as
21 the case may be, of such applicant given on a list, the pages
22 of which are to be numbered consecutively to be kept by such
23 election authority for such purpose in a conspicuous, open and
24 public place accessible to the public at the entrance of the
25 office of such election authority, and in such a manner that
26 such list may be viewed without necessity of requesting
27 permission therefor. Within one ~~business~~ day after posting the
28 name and other information of an applicant for an absentee
29 ballot, the election authority shall transmit that name and
30 other posted information to the State Board of Elections, which
31 shall maintain those names and other information in an
32 electronic format on its website, arranged by county and
33 accessible to State and local political committees. Within 2

1 business days after posting a name and other information on the
2 list within its office, the election authority shall mail,
3 postage prepaid, or deliver in person in such office an
4 official ballot or ballots if more than one are to be voted at
5 said election. Mail delivery of Temporarily Absent Student
6 ballot applications pursuant to Section 19-12.3 shall be by
7 nonforwardable mail. However, for the consolidated election,
8 absentee ballots for certain precincts may be delivered to
9 applicants not less than 25 days before the election if so much
10 time is required to have prepared and printed the ballots
11 containing the names of persons nominated for offices at the
12 consolidated primary. The election authority shall enclose
13 with each absentee ballot or application written instructions
14 on how voting assistance shall be provided pursuant to Section
15 17-14 and a document, written and approved by the State Board
16 of Elections, enumerating the circumstances under which a
17 person is authorized to vote by absentee ballot pursuant to
18 this Article; such document shall also include a statement
19 informing the applicant that if he or she falsifies or is
20 solicited by another to falsify his or her eligibility to cast
21 an absentee ballot, such applicant or other is subject to
22 penalties pursuant to Section 29-10 and Section 29-20 of the
23 Election Code. Each election authority shall maintain a list of
24 the name, street address, ward and precinct, or township and
25 district number, as the case may be, of all applicants who have
26 returned absentee ballots to such authority, and the name of
27 such absent voter shall be added to such list within one
28 business day from receipt of such ballot. If the absentee
29 ballot envelope indicates that the voter was assisted in
30 casting the ballot, the name of the person so assisting shall
31 be included on the list. The list, the pages of which are to be
32 numbered consecutively, shall be kept by each election
33 authority in a conspicuous, open, and public place accessible
34 to the public at the entrance of the office of the election

1 authority and in a manner that the list may be viewed without
2 necessity of requesting permission for viewing.

3 Each election authority shall maintain a list for each
4 election of the voters to whom it has issued absentee ballots.
5 The list shall be maintained for each precinct within the
6 jurisdiction of the election authority. Prior to the opening of
7 the polls on election day, the election authority shall deliver
8 to the judges of election in each precinct the list of
9 registered voters in that precinct to whom absentee ballots
10 have been issued by mail.

11 Each election authority shall maintain a list for each
12 election of voters to whom it has issued temporarily absent
13 student ballots. The list shall be maintained for each election
14 jurisdiction within which such voters temporarily abide.
15 Immediately after the close of the period during which
16 application may be made by mail for absentee ballots, each
17 election authority shall mail to each other election authority
18 within the State a certified list of all such voters
19 temporarily abiding within the jurisdiction of the other
20 election authority.

21 In the event that the return address of an application for
22 ballot by a physically incapacitated elector is that of a
23 facility licensed or certified under the Nursing Home Care Act,
24 within the jurisdiction of the election authority, and the
25 applicant is a registered voter in the precinct in which such
26 facility is located, the ballots shall be prepared and
27 transmitted to a responsible judge of election no later than 9
28 a.m. on the Saturday, Sunday or Monday immediately preceding
29 the election as designated by the election authority under
30 Section 19-12.2. Such judge shall deliver in person on the
31 designated day the ballot to the applicant on the premises of
32 the facility from which application was made. The election
33 authority shall by mail notify the applicant in such facility
34 that the ballot will be delivered by a judge of election on the

1 designated day.

2 All applications for absentee ballots shall be available at
3 the office of the election authority for public inspection upon
4 request from the time of receipt thereof by the election
5 authority until 30 days after the election, except during the
6 time such applications are kept in the office of the election
7 authority pursuant to Section 19-7, and except during the time
8 such applications are in the possession of the judges of
9 election.

10 (Source: P.A. 94-645, eff. 8-22-05.)

11 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

12 Sec. 19-8. Time and place of counting ballots.

13 (a) (Blank.) ~~Each absent voter's ballot returned to an~~
14 ~~election authority, by any means authorized by this Article,~~
15 ~~and received by that election authority in time to be delivered~~
16 ~~to the polling place of the precinct where the elector resides~~
17 ~~and to be counted by the judges of election at that polling~~
18 ~~place shall be handled in accordance with this subsection. If~~
19 ~~an absent voter's ballot is received prior to the delivery of~~
20 ~~the official ballots to the judges of election of the precinct~~
21 ~~where the elector resides, then the absent voter's ballot~~
22 ~~envelope and application, sealed in the carrier envelope, shall~~
23 ~~be enclosed in the same package with the official ballots and~~
24 ~~delivered to the judges of that precinct. If the official~~
25 ~~ballots for that precinct have already been delivered to the~~
26 ~~judges of election when the election authority receives the~~
27 ~~absent voter's ballot, then the authority shall immediately~~
28 ~~enclose the envelope containing the absent voter's ballot,~~
29 ~~together with the voter's application, in a larger or carrier~~
30 ~~envelope which shall be securely sealed and addressed on the~~
31 ~~face to the judges of election, giving the name or number of~~
32 ~~precinct, street and number of polling place, city or town in~~
33 ~~which the absent voter is a qualified elector, and the words~~

1 ~~"This envelope contains an absent voter's ballot and must be~~
2 ~~opened only on election day at the polls immediately after the~~
3 ~~polls are closed". The election authority shall mail the~~
4 ~~ballot, postage prepaid, to the judges of election, or if more~~
5 ~~convenient, the election authority may deliver the absent~~
6 ~~voter's ballot to the judges of election in person or by duly~~
7 ~~deputized agent, the authority to secure a receipt for delivery~~
8 ~~of the ballot or ballots. An absent voter's ballot delivered in~~
9 ~~error to the wrong precinct polling place shall be returned to~~
10 ~~the election authority and counted as provided in subsection~~
11 ~~(b).~~

12 (b) Each absent voter's ballot returned to an election
13 authority, by any means authorized by this Article, and
14 received by that election authority before the closing of the
15 polls on election day ~~but too late to be delivered to and~~
16 ~~counted at the proper precinct polling place~~ shall be endorsed
17 by the receiving election authority with the day and hour of
18 receipt and shall be counted in the central ballot counting
19 location ~~office~~ of the election authority on the day of the
20 election after 7:00 p.m., except as provided in subsections (g)
21 and (g-5).

22 (c) Each absent voter's ballot that is mailed to an
23 election authority and postmarked by the midnight preceding the
24 opening of the polls on election day, but that is received by
25 the election authority after the polls close on election day
26 and before the close of the period for counting provisional
27 ballots cast at that election, shall be endorsed by the
28 receiving authority with the day and hour of receipt and shall
29 be counted at the central ballot counting location ~~office~~ of
30 the election authority during the period for counting
31 provisional ballots.

32 (d) Special write-in absentee voter's blank ballots
33 returned to an election authority, by any means authorized by
34 this Article, and received by the election authority at any

1 time before the closing of the polls on election day shall be
2 endorsed by the receiving election authority with the day and
3 hour of receipt and shall be counted at the central ballot
4 counting location ~~office~~ of the election authority during the
5 same period provided for counting absent voters' ballots under
6 subsections ~~subsection~~ (b), (g), and (g-5). Special write-in
7 absentee voter's blank ballots that are mailed to an election
8 authority and postmarked by the midnight preceding the opening
9 of the polls on election day, but that are received by the
10 election authority after the polls close on election day and
11 before the closing of the period for counting provisional
12 ballots cast at that election, shall be endorsed by the
13 receiving authority with the day and hour of receipt and shall
14 be counted at the central ballot counting location ~~office~~ of
15 the election authority during the same periods provided for
16 counting absent voters' ballots under subsection (c).

17 (e) Except as otherwise provided in this Section, absent
18 voters' ballots and special write-in absentee voter's blank
19 ballots received by the election authority after the closing of
20 the polls on an election day shall be endorsed by the election
21 authority receiving them with the day and hour of receipt and
22 shall be safely kept unopened by the election authority for the
23 period of time required for the preservation of ballots used at
24 the election, and shall then, without being opened, be
25 destroyed in like manner as the used ballots of that election.

26 (f) Counting required under this Section to begin on
27 election day after the closing of the polls shall commence no
28 later than 8:00 p.m. and shall be conducted by a panel or
29 panels of election judges appointed in the manner provided by
30 law. The counting shall continue until all absent voters'
31 ballots and special write-in absentee voter's blank ballots
32 required to be counted on election day have been counted.

33 (g) The procedures set forth in ~~Section 19-9 of this Act~~
34 ~~and~~ Articles 17 and 18 of this Code shall apply to all ballots

1 counted under this Section. In addition, within 2 days after an
2 absentee ballot, other than an in person absentee ballot, is
3 received, but in all cases before the close of the period for
4 counting provisional ballots, the election judge or official
5 shall compare the voter's signature on the certification
6 envelope of that absentee ballot with the signature of the
7 voter on file in the office of the election authority. If the
8 election judge or official determines that the 2 signatures
9 match, and that the absentee voter is otherwise qualified to
10 cast an absentee ballot, the election authority shall cast and
11 count the ballot on election day or the day the ballot is
12 determined to be valid, whichever is later, adding the results
13 to the precinct in which the voter is registered. If the
14 election judge or official determines that the signatures do
15 not match, or that the absentee voter is not qualified to cast
16 an absentee ballot, then without opening the certification
17 envelope, the judge or official shall mark across the face of
18 the certification envelope the word "Rejected" and shall not
19 cast or count the ballot.

20 In addition to the voter's signatures not matching, an
21 absentee ballot may be rejected by the election judge or
22 official:

23 (1) if the ballot envelope is open or has been opened
24 and resealed;

25 (2) if the voter has already cast an early or grace
26 period ballot;

27 (3) if the voter voted in person on election day or the
28 voter is not a duly registered voter in the precinct; or

29 (4) on any other basis set forth in this Code.

30 If the election judge or official determines that any of
31 these reasons apply, the judge or official shall mark across
32 the face of the certification envelope the word "Rejected" and
33 shall not cast or count the ballot. ~~, including comparing the~~
34 ~~signature on the ballot envelope with the signature of the~~

1 ~~voter on the permanent voter registration record card taken~~
2 ~~from the master file; except that votes shall be recorded~~
3 ~~without regard to precinct designation, except for precinct~~
4 ~~offices.~~

5 (g-5) If an absentee ballot, other than an in person
6 absentee ballot, is rejected by the election judge or official
7 for any reason, the election authority shall, within 2 days
8 after the rejection but in all cases before the close of the
9 period for counting provisional ballots, notify the absentee
10 voter that his or her ballot was rejected. The notice shall
11 inform the voter of the reason or reasons the ballot was
12 rejected and shall state that the voter may appear before the
13 election authority, on or before the 14th day after the
14 election, to show cause as to why the ballot should not be
15 rejected. The voter may present evidence to the election
16 authority supporting his or her contention that the ballot
17 should be counted. The election authority shall appoint a panel
18 of 3 election judges to review the contested ballot,
19 application, and certification envelope, as well as any
20 evidence submitted by the absentee voter. No more than 2
21 election judges on the reviewing panel shall be of the same
22 political party. The reviewing panel of election judges shall
23 make a final determination as to the validity of the contested
24 absentee ballot. The judges' determination shall not be
25 reviewable either administratively or judicially.

26 An absentee ballot subject to this subsection that is
27 determined to be valid shall be counted before the close of the
28 period for counting provisional ballots.

29 (g-10) All absentee ballots determined to be valid shall be
30 added to the vote totals for the precincts for which they were
31 cast in the order in which the ballots were opened.

32 (h) Each ~~Where ballots are counted in the office of the~~
33 ~~election authority as provided in this Section, each~~ political
34 party, candidate, and qualified civic organization shall be

1 entitled to have present one pollwatcher for each panel of
2 election judges therein assigned.

3 (Source: P.A. 94-557, eff. 8-12-05.)

4 (10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

5 Sec. 19-12.2. Voting by physically incapacitated electors
6 who have made proper application to the election authority not
7 later than 5 days before the regular primary and general
8 election of 1980 and before each election thereafter shall be
9 conducted on the premises of facilities licensed or certified
10 pursuant to the Nursing Home Care Act for the sole benefit of
11 residents of such facilities. Such voting shall be conducted
12 during any continuous period sufficient to allow all applicants
13 to cast their ballots between the hours of 9 a.m. and 7 p.m.
14 either on the Friday, Saturday, Sunday or Monday immediately
15 preceding the regular election. This absentee voting on one of
16 said days designated by the election authority shall be
17 supervised by two election judges who must be selected by the
18 election authority in the following order of priority: (1) from
19 the panel of judges appointed for the precinct in which such
20 facility is located, or from a panel of judges appointed for
21 any other precinct within the jurisdiction of the election
22 authority in the same ward or township, as the case may be, in
23 which the facility is located or, only in the case where a
24 judge or judges from the precinct, township or ward are
25 unavailable to serve, (3) from a panel of judges appointed for
26 any other precinct within the jurisdiction of the election
27 authority. The two judges shall be from different political
28 parties. Not less than 30 days before each regular election,
29 the election authority shall have arranged with the chief
30 administrative officer of each facility in his or its election
31 jurisdiction a mutually convenient time period on the Friday,
32 Saturday, Sunday or Monday immediately preceding the election
33 for such voting on the premises of the facility and shall post

1 in a prominent place in his or its office a notice of the
2 agreed day and time period for conducting such voting at each
3 facility; provided that the election authority shall not later
4 than noon on the Thursday before the election also post the
5 names and addresses of those facilities from which no
6 applications were received and in which no supervised absentee
7 voting will be conducted. All provisions of this Code
8 applicable to pollwatchers shall be applicable herein. To the
9 maximum extent feasible, voting booths or screens shall be
10 provided to insure the privacy of the voter. Voting procedures
11 shall be as described in Article 17 of this Code, except that
12 ballots shall be treated as absentee ballots and shall not be
13 counted until the close of the polls on the following day.
14 After the last voter has concluded voting, the judges shall
15 seal the ballots in an envelope and affix their signatures
16 across the flap of the envelope. Immediately thereafter, the
17 judges shall bring the sealed envelope to the office of the
18 election authority who shall deliver such ballots to the
19 election authority's central ballot counting location ~~proper~~
20 ~~precinct polling places~~ prior to the closing of the polls on
21 the day of election. ~~Provided, that the election authority may~~
22 ~~arrange for the judges who conduct such voting on the Monday~~
23 ~~before the election to deliver the sealed envelope directly to~~
24 ~~the proper precinct polling place on the day of election and~~
25 ~~shall announce such procedure in the 30 day notice heretofore~~
26 ~~prescribed.~~ The judges of election shall also report to the
27 election authority the name of any applicant in the facility
28 who, due to unforeseen circumstance or condition or because of
29 a religious holiday, was unable to vote. In this event, the
30 election authority may appoint a qualified person from his or
31 its staff to deliver the ballot to such applicant on the day of
32 election. This staff person shall follow the same procedures
33 prescribed for judges conducting absentee voting in such
34 facilities and ~~+~~ ~~but~~ shall return the ballot to the central

1 ballot counting location ~~proper precinct polling place~~ before
 2 the polls close. However, if the facility from which the
 3 application was made is also used as a regular precinct polling
 4 place for that voter, voting procedures heretofore prescribed
 5 may be implemented by 2 of the election judges of opposite
 6 party affiliation assigned to that polling place during the
 7 hours of voting on the day of the election. Judges of election
 8 shall be compensated not less than \$25.00 for conducting
 9 absentee voting in such facilities.

10 Not less than 120 days before each regular election, the
 11 Department of Public Health shall certify to the State Board of
 12 Elections a list of the facilities licensed or certified
 13 pursuant to the Nursing Home Care Act, and shall indicate the
 14 approved bed capacity and the name of the chief administrative
 15 officer of each such facility, and the State Board of Elections
 16 shall certify the same to the appropriate election authority
 17 within 20 days thereafter.

18 (Source: P.A. 86-820; 86-875; 86-1028; 87-1052.)

19 (10 ILCS 5/19-13) (from Ch. 46, par. 19-13)

20 Sec. 19-13. Any qualified voter who has been admitted to a
 21 hospital, nursing home, or rehabilitation center due to an
 22 illness or physical injury not more than 5 days before an
 23 election shall be entitled to personal delivery of an absentee
 24 ballot in the hospital, nursing home, or rehabilitation center
 25 subject to the following conditions:

26 (1) The voter completes the Application for Physically
 27 Incapacitated Elector as provided in Section 19-3, stating as
 28 reasons therein that he is a patient in (name
 29 of hospital/home/center), located at,
 30 (address of hospital/home/center),
 31 (county, city/village), was admitted for
 32 (nature of illness or physical injury), on
 33 (date of admission), and does not expect to be

1 released from the hospital/home/center on or before the day of
2 election.

3 (2) The voter's physician completes a Certificate of
4 Attending Physician in a form substantially as follows:

5 CERTIFICATE OF ATTENDING PHYSICIAN

6 I state that I am a physician, duly licensed to practice in
7 the State of; that is a patient in
8 (name of hospital/home/center), located at
9 (address of hospital/home/center),
10 (county, city/village); that such individual
11 was admitted for (nature of illness or physical
12 injury), on (date of admission); and that I have
13 examined such individual in the State in which I am licensed to
14 practice medicine and do not expect such individual to be
15 released from the hospital/home/center on or before the day of
16 election.

17 Under penalties as provided by law pursuant to Section
18 29-10 of The Election Code, the undersigned certifies that the
19 statements set forth in this certification are true and
20 correct.

21 (Signature)
22 (Date licensed)

23 (3) Any person who is registered to vote in the same
24 precinct as the admitted voter or any legal relative of the
25 admitted voter may present such voter's absentee ballot
26 application, completed as prescribed in paragraph 1,
27 accompanied by the physician's certificate, completed as
28 prescribed in paragraph 2, to the election authority. Such
29 precinct voter or relative shall execute and sign an affidavit
30 furnished by the election authority attesting that he is a
31 registered voter in the same precinct as the admitted voter or
32 that he is a legal relative of the admitted voter and stating
33 the nature of the relationship. Such precinct voter or relative
34 shall further attest that he has been authorized by the

1 admitted voter to obtain his absentee ballot from the election
2 authority and deliver such ballot to him in the hospital, home,
3 or center.

4 Upon receipt of the admitted voter's application,
5 physician's certificate, and the affidavit of the precinct
6 voter or the relative, the election authority shall examine the
7 registration records to determine if the applicant is qualified
8 to vote and, if found to be qualified, shall provide the
9 precinct voter or the relative the absentee ballot for delivery
10 to the applicant in the hospital, home, or center.

11 Upon receipt of the absentee ballot, the admitted voter
12 shall mark the ballot in secret and subscribe to the
13 certifications on the absentee ballot return envelope. After
14 depositing the ballot in the return envelope and securely
15 sealing the envelope, such voter shall give the envelope to the
16 precinct voter or the relative who shall deliver it to the
17 election authority in sufficient time for the ballot to be
18 delivered by the election authority to the election authority's
19 central ballot counting location ~~proper precinct polling place~~
20 before 7 p.m. on election day.

21 Upon receipt of the admitted voter's absentee ballot, the
22 ballot shall be counted in the manner prescribed in this
23 Article ~~Section 19-9~~.

24 (Source: P.A. 94-18, eff. 6-14-05.)

25 (10 ILCS 5/19-15)

26 Sec. 19-15. Precinct tabulation optical scan technology
27 voting equipment.

28 If the election authority has adopted the use of Precinct
29 Tabulation Optical Scan Technology voting equipment pursuant
30 to Article 24B of this Code, and the provisions of the Article
31 are in conflict with the provisions of this Article 19, the
32 provisions of Article 24B shall govern the procedures followed
33 by the election authority, its judges of elections, and all

1 employees and agents, provided that absentee ballots are
2 counted at the election authority's central ballot counting
3 location. In following the provisions of Article 24B, the
4 election authority is authorized to develop and implement
5 procedures to fully utilize Precinct Tabulation Optical Scan
6 Technology voting equipment, at the central ballot counting
7 location, authorized by the State Board of Elections as long as
8 the procedure is not in conflict with either Article 24B or the
9 administrative rules of the State Board of Elections.

10 (Source: P.A. 89-394, eff. 1-1-97.)

11 (10 ILCS 5/19-20 new)

12 Sec. 19-20. Report on absentee ballots. This Section
13 applies to absentee ballots other than in person absentee
14 ballots.

15 On or before the 21st day after an election, each election
16 authority shall transmit to the State Board of Elections the
17 following information with respect to that election:

18 (1) The number, by precinct, of absentee ballots
19 requested, provided, and counted.

20 (2) The number of rejected absentee ballots.

21 (3) The number of voters seeking review of rejected
22 absentee ballots pursuant to subsection (g-5) of Section
23 19-8.

24 (4) The number of absentee ballots counted following
25 review pursuant to subsection (g-5) of Section 19-8.

26 On or before the 28th day after an election, the State Board of
27 Elections shall compile the information received under this
28 Section with respect to that election and make that information
29 available to the public.

30 (10 ILCS 5/19A-21 new)

31 Sec. 19A-21. Use of local public buildings for early voting
32 polling places. Upon request by an election authority, a unit

1 of local government (as defined in Section 1 of Article VII of
2 the Illinois Constitution, which does not include school
3 districts) shall make the unit's public buildings within the
4 election authority's jurisdiction available as permanent or
5 temporary early voting polling places without charge.
6 Availability of a building shall include reasonably necessary
7 time before and after the period early voting is conducted at
8 that building.

9 A unit of local government making its public building
10 available as a permanent or temporary early voting polling
11 place shall ensure that any portion of the building made
12 available is accessible to handicapped and elderly voters.

13 (10 ILCS 5/19A-25.5)

14 Sec. 19A-25.5. Voting machines, automatic tabulating
15 equipment, and precinct tabulation optical scan technology
16 voting equipment.

17 (a) In all jurisdictions in which voting machines are used,
18 the provisions of this Code that are not inconsistent with this
19 Article relating to the furnishing of ballot boxes, printing
20 and furnishing ballots and supplies, the canvassing of ballots,
21 and the making of returns, apply with full force and effect to
22 the extent necessary to make this Article effective, provided
23 that the number of ballots to be printed shall be in the
24 discretion of the election authority, and provided further that
25 early ballots shall not be counted until after the polls are
26 closed on election day.

27 (b) If the election authority has adopted the use of
28 automatic tabulating equipment under Article 24A of this Code,
29 and the provisions of that Article are in conflict with the
30 provisions of this Article 19A, the provisions of Article 24A
31 shall govern the procedures followed by the election authority,
32 its judges of election, and all employees and agents; provided
33 that early ballots shall be counted at the election authority's

1 central ballot counting location and shall not be counted until
2 after the polls are closed on election day.

3 (c) If the election authority has adopted the use of
4 ~~precinct~~ tabulation optical scan technology voting equipment
5 under Article 24B of this Code, and the provisions of that
6 Article are in conflict with the provisions of this Article
7 19A, the provisions of Article 24B shall govern the procedures
8 followed by the election authority, its judges of election, and
9 all employees and agents; provided that early ballots shall be
10 counted at the election authority's central ballot counting
11 location and shall not be counted until after the polls are
12 closed on election day.

13 (d) If the election authority has adopted the use of Direct
14 Recording Electronic Voting Systems under Article 24C of this
15 Code, and the provisions of that Article are in conflict with
16 the provisions of this Article 19A, the provisions of Article
17 24C shall govern the procedures followed by the election
18 authority, its judges of election, and all employees and
19 agents; provided that early ballots shall be counted at the
20 election authority's central ballot counting location and
21 shall not be counted until after the polls are closed on
22 election day.

23 (Source: P.A. 94-645, eff. 8-22-05.)

24 (10 ILCS 5/19A-35)

25 Sec. 19A-35. Procedure for voting.

26 (a) Not more than 23 days before the start of the election
27 ~~early voting~~, the county clerk shall make available to the
28 election official ~~authority~~ conducting early voting by
29 personal appearance a sufficient number of early ballots,
30 envelopes, and printed voting instruction slips for the use of
31 early voters. The election official ~~authority~~ shall receipt for
32 all ballots received and shall return unused or spoiled ballots
33 at the close of the early voting period to the county clerk and

1 must strictly account for all ballots received. The ballots
2 delivered to the election official ~~authority~~ must include early
3 ballots for each precinct in the election authority's
4 jurisdiction and must include separate ballots for each
5 political subdivision conducting an election of officers or a
6 referendum at that election.

7 (b) In conducting early voting under this Article, the
8 election judge or official is ~~not~~ required to verify the
9 signature of the early voter by comparison with the signature
10 on the official registration card, and ~~however,~~ the judge or
11 official must verify (i) the identity of the applicant, (ii)
12 that the applicant is a registered voter, (iii) the precinct in
13 which the applicant is registered, and (iv) the proper ballots
14 of the political subdivision in which the applicant resides and
15 is entitled to vote before providing an early ballot to the
16 applicant. The applicant's identity must be verified by the
17 applicant's presentation of an Illinois driver's license, a
18 non-driver identification card issued by the Illinois
19 Secretary of State, or another government-issued
20 identification document containing the applicant's photograph.
21 The election judge or official must verify the applicant's
22 registration from the most recent poll list provided by the
23 election authority, and if the applicant is not listed on that
24 poll list, by telephoning the office of the election authority.

25 (b-5) A person requesting an early voting ballot to whom an
26 absentee ballot was issued may vote early if the person submits
27 that absentee ballot to the judges of election or official
28 conducting early voting for cancellation. If the voter is
29 unable to submit the absentee ballot, it shall be sufficient
30 for the voter to submit to the judges or official (i) a portion
31 of the absentee ballot if the absentee ballot was torn or
32 mutilated or (ii) an affidavit executed before the judges or
33 official specifying that (A) the voter never received an
34 absentee ballot or (B) the voter completed and returned an

1 absentee ballot and was informed that the election authority
2 did not receive that absentee ballot.

3 (b-10) Within one day after a voter casts an early voting
4 ballot, the election authority shall transmit the voter's name,
5 street address, and precinct, ward, township, and district
6 numbers, as the case may be, to the State Board of Elections,
7 which shall maintain those names and that information in an
8 electronic format on its website, arranged by county and
9 accessible to State and local political committees.

10 (b-15) This subsection applies to early voting polling
11 places using optical scan technology voting equipment subject
12 to Article 24B. Immediately after voting an early ballot, the
13 voter shall be instructed whether the voting equipment accepted
14 or rejected the ballot. A voter whose early voting ballot is
15 not accepted by the voting equipment may, upon surrendering the
16 ballot, request and vote another early voting ballot. The
17 voter's ballot that was not accepted shall be initialed by the
18 election judge or official conducting the early voting and
19 handled as provided in Article 24B.

20 (c) The sealed early ballots in their carrier envelope
21 shall be delivered by the election authority to the central
22 ballot counting location ~~proper polling place~~ before the close
23 of the polls on the day of the election.

24 (Source: P.A. 94-645, eff. 8-22-05.)

25 (10 ILCS 5/19A-50)

26 Sec. 19A-50. Receipt of ballots. Upon receipt of the
27 voter's ballot, the election judge or official shall enclose
28 the unopened ballot in a large or carrier envelope that shall
29 be securely sealed and endorsed with the name and official
30 title of the election judge or official and the words, "This
31 envelope contains a ballot and must be opened on election day",
32 together with the number and description of the precinct in
33 which the ballot is to be voted, and the election authority

1 shall safely keep the envelope in its office until delivered to
2 the central ballot counting location ~~judges of election as~~
3 ~~provided in Section 19A-35~~. The ballots determined to be valid
4 shall be added to the vote totals for the precincts for which
5 they were cast in the order in which the ballots were opened.

6 (Source: P.A. 94-645, eff. 8-22-05.)

7 (10 ILCS 5/19A-60)

8 Sec. 19A-60. Pollwatchers. Pollwatchers may be appointed
9 to observe early voting by personal appearance at each
10 permanent and temporary polling place where early voting is
11 conducted. The pollwatchers shall qualify and be appointed in
12 the same manner as provided in Sections 7-34 and 17-23, except
13 that each candidate, political party, or organization of
14 citizens may appoint only one pollwatcher for each location
15 where early voting by personal appearance is conducted.
16 Pollwatchers must be residents of the State and possess valid
17 pollwatcher credentials.

18 Pollwatchers shall be permitted to observe all proceedings
19 and view all reasonably requested records relating to the
20 conduct of the early voting, provided the secrecy of the ballot
21 is not impinged, and to station themselves in a position in the
22 voting room as will enable them to observe the judges or
23 election authority personnel making the signature comparison
24 between the voter application and the voter registration record
25 card; provided, however, that the pollwatchers shall not be
26 permitted to station themselves in such close proximity to the
27 judges of election or election authority personnel so as to
28 interfere with the orderly conduct of the voting and shall not,
29 in any event, be permitted to handle voting or election
30 materials. Pollwatchers may challenge for cause the voting
31 qualifications of a person offering to vote and may call to the
32 attention of the judges of election or election authority
33 personnel any incorrect procedure or apparent violations of

1 this Code.

2 ~~In the polling place on election day, pollwatchers are~~
3 ~~permitted to be present during the casting of the early ballots~~
4 ~~and the vote of an early voter may be challenged for cause the~~
5 ~~same as if the voter were present and voted on election day.~~
6 The judges of election or election authority personnel
7 conducting early voting, or a majority of either of these, have
8 the power and authority to hear and determine the legality of
9 an the early voting ballot., ~~provided that if a challenge to~~
10 ~~any early voter's right to vote is sustained, notice of the~~
11 ~~challenge must be given by the judges of election or election~~
12 ~~authority by mail addressed to the voter's place of residence.~~
13 (Source: P.A. 94-645, eff. 8-22-05.)

14 (10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

15 Sec. 20-2. Any member of the United States Service,
16 otherwise qualified to vote, who expects in the course of his
17 duties to be absent from the county in which he resides on the
18 day of holding any election may make application for an
19 absentee ballot to the election authority having jurisdiction
20 over his precinct of residence on the official postcard or on a
21 form furnished by the election authority as prescribed by
22 Section 20-3 of this Article not less than 10 days before the
23 election. A request pursuant to this Section shall entitle the
24 applicant to an absentee ballot for every election in one
25 calendar year. The original application for ballot shall be
26 kept in the office of the election authority for one year as
27 authorization to send a ballot to the voter for each election
28 to be held within that calendar year. A certified copy of such
29 application for ballot shall be sent each election with the
30 absentee ballot to the election authority's central ballot
31 counting location ~~polling place~~ to be used in lieu of the
32 original application for ballot. No registration shall be
33 required in order to vote pursuant to this Section.

1 Ballots under this Section shall be mailed by the election
2 authority in the manner prescribed by Section 20-5 of this
3 Article and not otherwise. Ballots voted under this Section
4 must be returned to the election authority in sufficient time
5 for delivery to the election authority's central ballot
6 counting location ~~proper precinct polling place~~ before the
7 closing of the polls on the day of the election.

8 (Source: P.A. 86-875.)

9 (10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

10 Sec. 20-2.1. Citizens of the United States temporarily
11 residing outside the territorial limits of the United States
12 who are not registered but otherwise qualified to vote and who
13 expect to be absent from their county of residence during the
14 periods of voter registration provided for in Articles 4, 5 or
15 6 of this Code and on the day of holding any election, may make
16 simultaneous application to the election authority having
17 jurisdiction over their precinct of residence for an absentee
18 registration and absentee ballot not less than 30 days before
19 the election. Such application may be made on the official
20 postcard or on a form furnished by the election authority as
21 prescribed by Section 20-3 of this Article. A request pursuant
22 to this Section shall entitle the applicant to an absentee
23 ballot for every election in one calendar year. The original
24 application for ballot shall be kept in the office of the
25 election authority for one year as authorization to send a
26 ballot to the voter for each election to be held within that
27 calendar year. A certified copy of such application for ballot
28 shall be sent each election with the absentee ballot to the
29 election authority's central ballot counting location ~~polling~~
30 ~~place~~ to be used in lieu of the original application for
31 ballot.

32 Registration shall be required in order to vote pursuant to
33 this Section. However, if the election authority receives one

1 of such applications after 30 days but not less than 10 days
2 before a Federal election, said applicant shall be sent a
3 ballot containing the Federal offices only and registration for
4 that election shall be waived.

5 Ballots under this Section shall be mailed by the election
6 authority in the manner prescribed by Section 20-5 of this
7 Article and not otherwise.

8 Ballots under this Section must be returned to the election
9 authority in sufficient time for delivery to the election
10 authority's central ballot counting location ~~proper precinct~~
11 ~~polling place~~ before the closing of the polls on the day of the
12 election.

13 (Source: P.A. 86-875.)

14 (10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

15 Sec. 20-2.2. Any non-resident civilian citizen, otherwise
16 qualified to vote, may make application to the election
17 authority having jurisdiction over his precinct of former
18 residence for an absentee ballot containing the Federal offices
19 only not less than 10 days before a Federal election. Such
20 application may be made only on the official postcard. A
21 request pursuant to this Section shall entitle the applicant to
22 an absentee ballot for every election in one calendar year at
23 which Federal offices are filled. The original application for
24 ballot shall be kept in the office of the election authority
25 for one year as authorization to send a ballot to the voter for
26 each election to be held within that calendar year at which
27 Federal offices are filled. A certified copy of such
28 application for ballot shall be sent each election with the
29 absentee ballot to the election authority's central ballot
30 counting location ~~polling place~~ to be used in lieu of the
31 original application for ballot. No registration shall be
32 required in order to vote pursuant to this Section. Ballots
33 under this Section shall be mailed by the election authority in

1 the manner prescribed by Section 20-5 of this Article and not
2 otherwise. Ballots under this Section must be returned to the
3 election authority in sufficient time for delivery to the
4 election authority's central ballot counting location ~~proper~~
5 ~~precinct polling place~~ before the closing of the polls on the
6 day of the election.

7 (Source: P.A. 86-875.)

8 (10 ILCS 5/20-2.3) (from Ch. 46, par. 20-2.3)

9 Sec. 20-2.3. Members of the Armed Forces. Any member of the
10 United States Armed Forces while on active duty, otherwise
11 qualified to vote, who expects in the course of his or her
12 duties to be absent from the county in which he or she resides
13 on the day of holding any election, in addition to any other
14 method of making application for an absentee ballot under this
15 Article, may make application for an absentee ballot to the
16 election authority having jurisdiction over his or her precinct
17 of residence by a facsimile machine or electronic transmission
18 not less than 10 days before the election.

19 Ballots under this Section shall be mailed by the election
20 authority in the manner prescribed by Section 20-5 of this
21 Article and not otherwise. Ballots voted under this Section
22 must be returned to the election authority before the closing
23 of the polls on the day of election and must be counted at the
24 election authority's central ballot counting location.

25 (Source: P.A. 87-1052.)

26 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

27 Sec. 20-4. Immediately upon the receipt of the official
28 postcard or an application as provided in Section 20-3 within
29 the times heretofore prescribed, the election authority shall
30 ascertain whether or not such applicant is legally entitled to
31 vote as requested, including verification of the applicant's
32 signature by comparison with the signature on the official

1 registration record card, if any. If the election authority
2 ascertains that the applicant is lawfully entitled to vote, it
3 shall enter the name, street address, ward and precinct number
4 of such applicant on a list to be posted in his or its office in
5 a place accessible to the public. Within one ~~business~~ day after
6 posting the name and other information of an applicant for a
7 ballot, the election authority shall transmit that name and
8 posted information to the State Board of Elections, which shall
9 maintain the names and other information in an electronic
10 format on its website, arranged by county and accessible to
11 State and local political committees. As soon as the official
12 ballot is prepared the election authority shall immediately
13 deliver the same to the applicant in person or by mail, in the
14 manner prescribed in Section 20-5.

15 If any such election authority receives a second or
16 additional application which it believes is from the same
17 person, he or it shall submit it to the chief judge of the
18 circuit court or any judge of that court designated by the
19 chief judge. If the chief judge or his designate determines
20 that the application submitted to him is a second or additional
21 one, he shall so notify the election authority who shall
22 disregard the second or additional application.

23 The election authority shall maintain a list for each
24 election of the voters to whom it has issued absentee ballots.
25 The list shall be maintained for each precinct within the
26 jurisdiction of the election authority. Prior to the opening of
27 the polls on election day, the election authority shall deliver
28 to the judges of election in each precinct the list of
29 registered voters in that precinct to whom absentee ballots
30 have been issued.

31 (Source: P.A. 94-645, eff. 8-22-05.)

32 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

33 Sec. 20-8. Time and place of counting ballots.

1 (a) (Blank.) ~~Each absent voter's ballot returned to an~~
2 ~~election authority, by any means authorized by this Article,~~
3 ~~and received by that election authority in time to be delivered~~
4 ~~to the polling place of the precinct where the absent voter is~~
5 ~~a qualified elector and to be counted by the judges of election~~
6 ~~of that polling place shall be handled in accordance with this~~
7 ~~subsection. If the ballot is received by the election authority~~
8 ~~prior to the delivery of the official ballots to the judges of~~
9 ~~election of the precinct where the absent voter is a qualified~~
10 ~~elector, then the absent voter's ballot envelope and~~
11 ~~application, sealed in the carrier envelope, shall be enclosed~~
12 ~~in the same package with the official ballots and delivered to~~
13 ~~the judges of that precinct. If the official ballots for the~~
14 ~~precinct have already been delivered to the judges of election~~
15 ~~when the election authority receives the absent voter's ballot,~~
16 ~~then the election authority shall immediately enclose the~~
17 ~~envelope containing the absent voter's ballot, together with~~
18 ~~the voter's application, in a larger or carrier envelope which~~
19 ~~shall be securely sealed and addressed on the face to the~~
20 ~~judges of election, giving the name or number of precinct,~~
21 ~~street and number of polling place, city or town in which the~~
22 ~~absent voter is a qualified elector, and the words, "This~~
23 ~~envelope contains an absent voter's ballot and must be opened~~
24 ~~only on election day at the polls immediately after the polls~~
25 ~~are closed". The election authority shall mail the ballot,~~
26 ~~postage prepaid, to the judges of election, or if more~~
27 ~~convenient then the election authority may deliver the absent~~
28 ~~voter's ballot to the judges of election in person or by duly~~
29 ~~deputized agent and secure a receipt for delivery of the ballot~~
30 ~~or ballots. An absent voter's ballot delivered in error to the~~
31 ~~wrong precinct polling place shall be returned to the election~~
32 ~~authority and counted as provided in subsection (b).~~

33 (b) Each absent voter's ballot returned to an election
34 authority, by any means authorized by this Article, and

1 received by that election authority before the closing of the
2 polls on election day ~~but too late to be delivered to and~~
3 ~~counted at the proper precinct polling place~~ shall be endorsed
4 by the receiving election authority with the day and hour of
5 receipt and shall be counted in the central ballot counting
6 location ~~office~~ of the election authority on the day of the
7 election after 7:00 p.m., except as provided in subsections (g)
8 and (g-5).

9 (c) Each absent voter's ballot that is mailed to an
10 election authority and postmarked by the midnight preceding the
11 opening of the polls on election day, but that is received by
12 the election authority after the polls close on election day
13 and before the close of the period for counting provisional
14 ballots cast at that election, shall be endorsed by the
15 receiving authority with the day and hour of receipt and shall
16 be counted at the central ballot counting location ~~office~~ of
17 the election authority during the period for counting
18 provisional ballots.

19 (d) Special write-in absentee voter's blank ballots
20 returned to an election authority, by any means authorized by
21 this Article, and received by the election authority at any
22 time before the closing of the polls on election day shall be
23 endorsed by the receiving election authority with the day and
24 hour of receipt and shall be counted at the central ballot
25 counting location ~~office~~ of the election authority during the
26 same period provided for counting absent voters' ballots under
27 subsections ~~subsection~~ (b), (g), and (g-5). Special write-in
28 absentee voter's blank ballot that are mailed to an election
29 authority and postmarked by midnight preceding the opening of
30 the polls on election day, but that are received by the
31 election authority after the polls close on election day and
32 before the closing of the period for counting provisional
33 ballots cast at that election, shall be endorsed by the
34 receiving authority with the day and hour of receipt and shall

1 be counted at the central ballot counting location ~~office~~ of
2 the election authority during the same periods provided for
3 counting absent voters' ballots under subsection (c).

4 (e) Except as otherwise provided in this Section, absent
5 voters' ballots and special write-in absentee voter's blank
6 ballots received by the election authority after the closing of
7 the polls on the day of election shall be endorsed by the
8 person receiving the ballots with the day and hour of receipt
9 and shall be safely kept unopened by the election authority for
10 the period of time required for the preservation of ballots
11 used at the election, and shall then, without being opened, be
12 destroyed in like manner as the used ballots of that election.

13 (f) Counting required under this Section to begin on
14 election day after the closing of the polls shall commence no
15 later than 8:00 p.m. and shall be conducted by a panel or
16 panels of election judges appointed in the manner provided by
17 law. The counting shall continue until all absent voters'
18 ballots and special write-in absentee voter's blank ballots
19 required to be counted on election day have been counted.

20 (g) The procedures set forth in ~~Section 19-9 of this Act~~
21 ~~and~~ Articles 17 and 18 of this Code shall apply to all ballots
22 counted under this Section, ~~except that votes shall be recorded~~
23 ~~without regard to precinct designation.~~ In addition, within 2
24 days after a ballot subject to this Article is received, but in
25 all cases before the close of the period for counting
26 provisional ballots, the election judge or official shall
27 compare the voter's signature on the certification envelope of
28 that ballot with the signature of the voter on file in the
29 office of the election authority. If the election judge or
30 official determines that the 2 signatures match, and that the
31 voter is otherwise qualified to cast a ballot under this
32 Article, the election authority shall cast and count the ballot
33 on election day or the day the ballot is determined to be
34 valid, whichever is later, adding the results to the precinct

1 in which the voter is registered. If the election judge or
2 official determines that the signatures do not match, or that
3 the voter is not qualified to cast a ballot under this Article,
4 then without opening the certification envelope, the judge or
5 official shall mark across the face of the certification
6 envelope the word "Rejected" and shall not cast or count the
7 ballot.

8 In addition to the voter's signatures not matching, a
9 ballot subject to this Article may be rejected by the election
10 judge or official:

11 (1) if the ballot envelope is open or has been opened
12 and resealed;

13 (2) if the voter has already cast an early or grace
14 period ballot;

15 (3) if the voter voted in person on election day or the
16 voter is not a duly registered voter in the precinct; or

17 (4) on any other basis set forth in this Code.

18 If the election judge or official determines that any of
19 these reasons apply, the judge or official shall mark across
20 the face of the certification envelope the word "Rejected" and
21 shall not cast or count the ballot.

22 (g-5) If a ballot subject to this Article is rejected by
23 the election judge or official for any reason, the election
24 authority shall, within 2 days after the rejection but in all
25 cases before the close of the period for counting provisional
26 ballots, notify the voter that his or her ballot was rejected.
27 The notice shall inform the voter of the reason or reasons the
28 ballot was rejected and shall state that the voter may appear
29 before the election authority, on or before the 14th day after
30 the election, to show cause as to why the ballot should not be
31 rejected. The voter may present evidence to the election
32 authority supporting his or her contention that the ballot
33 should be counted. The election authority shall appoint a panel
34 of 3 election judges to review the contested ballot,

1 application, and certification envelope, as well as any
2 evidence submitted by the absentee voter. No more than 2
3 election judges on the reviewing panel shall be of the same
4 political party. The reviewing panel of election judges shall
5 make a final determination as to the validity of the contested
6 ballot. The judges' determination shall not be reviewable
7 either administratively or judicially.

8 A ballot subject to this subsection that is determined to
9 be valid shall be counted before the close of the period for
10 counting provisional ballots.

11 (g-10) All ballots determined to be valid shall be added to
12 the vote totals for the precincts for which they were cast in
13 the order in which the ballots were opened.

14 (h) ~~Each~~ ~~where ballots are counted in the office of the~~
15 ~~election authority as provided in this Section, each~~ political
16 party, candidate, and qualified civic organization shall be
17 entitled to have present one pollwatcher for each panel of
18 election judges therein assigned.

19 (Source: P.A. 94-557, eff. 8-12-05.)

20 (10 ILCS 5/20-15)

21 Sec. 20-15. Precinct tabulation optical scan technology
22 voting equipment.

23 If the election authority has adopted the use of Precinct
24 Tabulation Optical Scan Technology voting equipment pursuant
25 to Article 24B of this Code, and the provisions of the Article
26 are in conflict with the provisions of this Article 20, the
27 provisions of Article 24B shall govern the procedures followed
28 by the election authority, its judges of elections, and all
29 employees and agents, provided that ballots under this Article
30 must be counted at the election authority's central ballot
31 counting location. In following the provisions of Article 24B,
32 the election authority is authorized to develop and implement
33 procedures to fully utilize Precinct Tabulation Optical Scan

1 Technology voting equipment, at the central ballot counting
2 location, authorized by the State Board of Elections as long as
3 the procedure is not in conflict with either Article 24B or the
4 administrative rules of the State Board of Elections.

5 (Source: P.A. 89-394, eff. 1-1-97.)

6 (10 ILCS 5/20-20 new)

7 Sec. 20-20. Report on ballots. On or before the 21st day
8 after an election, each election authority shall transmit to
9 the State Board of Elections the following information with
10 respect to that election:

11 (1) The number, by precinct, of ballots subject to this
12 Article requested, provided, and counted.

13 (2) The number of rejected ballots subject to this
14 Article.

15 (3) The number of voters seeking review of rejected
16 ballots pursuant to subsection (g-5) of Section 20-8.

17 (4) The number of ballots counted following review
18 pursuant to subsection (g-5) of Section 20-8.

19 On or before the 28th day after an election, the State
20 Board of Elections shall compile the information received under
21 this Section with respect to that election and make that
22 information available to the public.

23 (10 ILCS 5/24-1) (from Ch. 46, par. 24-1)

24 Sec. 24-1. The election authority in all jurisdictions when
25 voting machines are used shall, except as otherwise provided in
26 this Code, provide a voting machine or voting machines for any
27 or all of the election precincts or election districts, as the
28 case may be, for which the election authority is by law charged
29 with the duty of conducting an election or elections. A voting
30 machine or machines sufficient in number to provide a machine
31 for each 400 voters or fraction thereof shall be supplied for
32 use at all elections. However, no such voting machine shall be

1 used, purchased, or adopted, and no person or entity may have a
2 written contract, including a contract contingent upon
3 certification of the voting machines, to sell, lease, or loan
4 voting machines to an election authority, until the board of
5 voting machine commissioners hereinafter provided for, or a
6 majority thereof, shall have made and filed a report certifying
7 that they have examined such machine; that it affords each
8 elector an opportunity to vote in absolute secrecy; that it
9 enables each elector to vote a ticket selected in part from the
10 nominees of one party, and in part from the nominees of any or
11 all other parties, and in part from independent nominees
12 printed in the columns of candidates for public office, and in
13 part of persons not in nomination by any party or upon any
14 independent ticket; that it enables each elector to vote a
15 written or printed ballot of his own selection, for any person
16 for any office for whom he may desire to vote; that it enables
17 each elector to vote for all candidates for whom he is entitled
18 to vote, and prevents him from voting for any candidate for any
19 office more than once, unless he is lawfully entitled to cast
20 more than one vote for one candidate, and in that event permits
21 him to cast only as many votes for that candidate as he is by
22 law entitled, and no more; that it prevents the elector from
23 voting for more than one person for the same office, unless he
24 is lawfully entitled to vote for more than one person therefor,
25 and in that event permits him to vote for as many persons for
26 that office as he is by law entitled, and no more; and that
27 such machine will register correctly by means of exact counters
28 every vote cast for the regular tickets thereon; and has the
29 capacity to contain the tickets of at least 5 political parties
30 with the names of all the candidates thereon, together with all
31 propositions in the form provided by law, where such form is
32 prescribed, and where no such provision is made for the form
33 thereof, then in brief form, not to exceed 75 words; that all
34 votes cast on the machine on a regular ballot or ballots shall

1 be registered; that voters may, by means of irregular ballots
2 or otherwise vote for any person for any office, although such
3 person may not have been nominated by any party and his name
4 may not appear on such machine; that when a vote is cast for
5 any person for any such office, when his name does not appear
6 on the machine, the elector cannot vote for any other name on
7 the machine for the same office; that each elector can,
8 understandingly and within the period of 4 minutes cast his
9 vote for all candidates of his choice; that the machine is so
10 constructed that the candidates for presidential electors of
11 any party can be voted for only by voting for the ballot label
12 containing a bracket within which are the names of the
13 candidates for President and Vice-President of the party or
14 group; that the machine is provided with a lock or locks by the
15 use of which any movement of the voting or registering
16 mechanism is absolutely prevented so that it cannot be tampered
17 with or manipulated for any purpose; that the machine is
18 susceptible of being closed during the progress of the voting
19 so that no person can see or know the number of votes
20 registered for any candidate; that each elector is permitted to
21 vote for or against any question, proposition or amendment upon
22 which he is entitled to vote, and is prevented from voting for
23 or against any question, proposition or amendment upon which he
24 is not entitled to vote; that the machine is capable of
25 adjustment by the election authority, so as to permit the
26 elector, at a party primary election, to vote only for the
27 candidates seeking nomination by the political party in which
28 primary he is entitled to vote: Provided, also that no such
29 machine or machines shall be purchased, unless the party or
30 parties making the sale shall guarantee in writing to keep the
31 machine or machines in good working order for 5 years without
32 additional cost and shall give a sufficient bond conditioned to
33 that effect.

34 (Source: P.A. 89-700, eff. 1-17-97.)

1 (10 ILCS 5/24A-9) (from Ch. 46, par. 24A-9)

2 Sec. 24A-9. Prior to the public test, the election
3 authority shall conduct an errorless pre-test of the automatic
4 tabulating equipment and program to ascertain that they will
5 correctly count the votes cast for all offices and all
6 measures. On any day not less than 5 days prior to the election
7 day, the election authority shall publicly test the automatic
8 tabulating equipment and program to ascertain that they will
9 correctly count the votes cast for all offices and on all
10 measures. Public notice of the time and place of the test shall
11 be given at least 48 hours prior thereto by publication once in
12 one or more newspapers published within the election
13 jurisdiction of the election authority if a newspaper is
14 published therein, otherwise in a newspaper of general
15 circulation therein. Timely written notice stating the date,
16 time and location of the public test shall also be provided to
17 the State Board of Elections. The test shall be open to
18 representatives of the political parties, the press,
19 representatives of the State Board of Elections, and the
20 public. The test shall be conducted by processing a preaudited
21 group of ballots so punched or marked as to record a
22 predetermined number of valid votes for each candidate and on
23 each measure, and shall include for each office one or more
24 ballots which have votes in excess of the number allowed by law
25 in order to test the ability of the automatic tabulating
26 equipment to reject such votes. Such test shall also include
27 the use of precinct header cards and may include the production
28 of an edit listing. In those election jurisdictions where
29 in-precinct counting equipment is utilized, a public test of
30 both such equipment and program shall be conducted as nearly as
31 possible in the manner prescribed above. The State Board of
32 Elections may select as many election jurisdictions as the
33 Board deems advisable in the interests of the election process

1 of this State in which to order a special test of the automatic
2 tabulating equipment and program prior to any regular election.
3 The Board may order a special test in any election jurisdiction
4 where, during the preceding twelve months, computer
5 programming errors or other errors in the use of electronic
6 voting systems resulted in vote tabulation errors. Not less
7 than 30 days prior to any election, the State Board of
8 Elections shall provide written notice to those selected
9 jurisdictions of their intent to conduct a test. Within 5 days
10 of receipt of the State Board of Elections' written notice of
11 intent to conduct a test, the selected jurisdictions shall
12 forward to the principal office of the State Board of Elections
13 a copy of all specimen ballots. The State Board of Elections'
14 tests shall be conducted and completed not less than 2 days
15 prior to the public test ~~utilizing testing materials supplied~~
16 ~~by the Board~~ and under the supervision of the Board. The
17 vendor, person, or other private entity shall be solely
18 responsible for the production and cost of: all ballots;
19 additional temporary workers; and other equipment or
20 facilities needed and used in the testing of the vendor's,
21 person's, or other private entity's respective equipment and
22 software. ~~and the Board shall reimburse the election authority~~
23 ~~for the reasonable cost of computer time required to conduct~~
24 ~~the special test.~~ After an errorless test, materials used in
25 the public test, including the program, if appropriate, shall
26 be sealed and remain so until the test is run again on election
27 day. If any error is detected, the cause therefor shall be
28 ascertained and corrected and an errorless public test shall be
29 made before the automatic tabulating equipment is approved.
30 Each election authority shall file a sealed copy of each tested
31 program to be used within its jurisdiction at an election with
32 the State Board of Elections prior to the election. The Board
33 shall secure the program or programs of each election
34 jurisdiction so filed in its office until the next election of

1 the same type (general primary, general election, consolidated
2 primary, or consolidated election) for which the program or
3 programs were filed ~~for the 60 days following the canvass and~~
4 ~~proclamation of election results.~~ Upon the expiration of that
5 time, if no election contest or appeal therefrom is pending in
6 an election jurisdiction, the Board shall destroy ~~return~~ the
7 sealed program or programs ~~to the election authority of the~~
8 ~~jurisdiction.~~ Except where in-precinct counting equipment is
9 utilized, the test shall be repeated immediately before the
10 start of the official count of the ballots, in the same manner
11 as set forth above. After the completion of the count, the test
12 shall be re-run using the same program. An election
13 jurisdiction that was employing, as of January 1, 1983, an
14 electronic voting system that, because of its design, is not
15 technically capable of compliance with such a post-tabulation
16 testing requirement shall satisfy the post-tabulation testing
17 requirement by conducting the post-tabulation test on a
18 duplicate program until such electronic voting system is
19 replaced or until November 1, 1992, whichever is earlier.
20 Immediately thereafter the ballots, all material employed in
21 testing the program and the program shall be sealed and
22 retained under the custody of the election authority for a
23 period of 60 days. At the expiration of that time the election
24 authority shall destroy the voted ballot cards, together with
25 all unused ballots returned from the precincts. Provided, if
26 any contest of election is pending at such time in which such
27 ballots may be required as evidence and such election authority
28 has notice thereof, the same shall not be destroyed until after
29 such contest is finally determined. If the use of back-up
30 equipment becomes necessary, the same testing required for the
31 original equipment shall be conducted.

32 (Source: P.A. 86-873; 86-874; 86-1028; 87-1052.)

1 Sec. 24A-10. (1) In an election jurisdiction which has
2 adopted an electronic voting system, the election official in
3 charge of the election shall select one of the 3 following
4 procedures for receiving, counting, tallying, and return of the
5 ballots:

6 (a) Two ballot boxes shall be provided for each polling
7 place. The first ballot box is for the depositing of votes cast
8 on the electronic voting system; and the second ballot box is
9 for all votes cast on paper ballots, including ~~absentee paper~~
10 ~~and early paper ballots~~ and any ~~other~~ paper ballots required to
11 be voted other than on the electronic voting system. Ballots,
12 ~~except absentee and early ballots for candidates and~~
13 ~~propositions which are listed on the electronic voting system,~~
14 deposited in the second ballot box shall be counted, tallied,
15 and returned as is elsewhere provided in "The Election Code,"
16 as amended, for the counting and handling of paper ballots.
17 Immediately after the closing of the polls ~~the absentee and~~
18 ~~early ballots delivered to the precinct judges of election by~~
19 ~~the election official in charge of the election shall be~~
20 ~~examined to determine that such ballots comply with Sections~~
21 ~~19-9, 19A-55, and 20-9 of "The Election Code," as amended, and~~
22 ~~are entitled to be deposited in the ballot box provided~~
23 ~~therefor; those entitled to be deposited in this ballot box~~
24 ~~shall be initialed by the precinct judges of election and~~
25 ~~deposited therein. Those not entitled to be deposited in this~~
26 ~~ballot box shall be marked "Rejected" and disposed of as~~
27 ~~provided in Sections 19-9, 19A-55, and 20-9. The precinct~~
28 ~~judges of election shall then open the second ballot box and~~
29 ~~examine all paper absentee and early ballots which are in the~~
30 ~~ballot box to determine whether the absentee and early ballots~~
31 ~~bear the initials of a precinct judge of election. If any~~
32 ~~absentee or early ballot is not so initialed, it shall be~~
33 ~~marked on the back "Defective," initialed as to such label by~~
34 ~~all judges immediately under such word "Defective," and not~~

1 ~~counted, but placed in the envelope provided for that purpose~~
2 ~~labeled "Defective Ballots Envelope." The judges of election,~~
3 ~~consisting in each case of at least one judge of election of~~
4 ~~each of the two major political parties, shall examine the~~
5 ~~paper absentee and early ballots which were in such ballot box~~
6 ~~and properly initialed so as to determine whether the same~~
7 ~~contain write in votes. Write in votes, not causing an overvote~~
8 ~~for an office otherwise voted for on the paper absentee or~~
9 ~~early ballot, and otherwise properly voted, shall be counted,~~
10 ~~tallied and recorded on the tally sheet provided for such~~
11 ~~record. A write in vote causing an overvote for an office shall~~
12 ~~not be counted for that office, but the precinct judges shall~~
13 ~~mark such paper or early absentee ballot "Objected To" on the~~
14 ~~back thereof and write on its back the manner in which such~~
15 ~~ballot is counted and initial the same. An overvote for one~~
16 ~~office shall invalidate only the vote or count of that~~
17 ~~particular office. After counting, tallying and recording the~~
18 ~~write in votes on absentee and early ballots, the judges of~~
19 ~~election, consisting in each case of at least one judge of~~
20 ~~election of each of the two major political parties, shall make~~
21 ~~a true duplicate ballot of the remaining valid votes on each~~
22 ~~paper absentee or early ballot which was in the ballot box and~~
23 ~~properly initialed, by using the electronic voting system used~~
24 ~~in the precinct and one of the marking devices of the precinct~~
25 ~~so as to transfer the remaining valid votes of the voter on the~~
26 ~~paper absentee ballot to an official ballot or a ballot card of~~
27 ~~that kind used in the precinct at that election. The original~~
28 ~~paper absentee or early ballot shall be clearly labeled~~
29 ~~"Absentee Ballot" or "Early Ballot", as the case may be, and~~
30 ~~the ballot card so produced "Duplicate Absentee Ballot" or~~
31 ~~"Duplicate Early Ballot", as the case may be, and each shall~~
32 ~~bear the same serial number which shall be placed thereon by~~
33 ~~the judges of election, commencing with number 1 and continuing~~
34 ~~consecutively for the ballots of that kind in that precinct.~~

1 ~~The judges of election shall initial the "Duplicate Absentee~~
2 ~~Ballot" and "Duplicate Early Ballot" ballots or ballot cards~~
3 ~~and shall place them in the first ballot box provided for~~
4 ~~return of the ballots to be counted at the central counting~~
5 ~~location in lieu of the paper absentee and early ballots. The~~
6 ~~paper absentee and early ballots shall be placed in an envelope~~
7 ~~provided for that purpose labeled "Duplicate Ballots."~~

8 ~~As soon as the absentee and early ballots have been~~
9 ~~deposited in the first ballot box,~~ the judges of election shall
10 make out a slip indicating the number of persons who voted in
11 the precinct at the election. Such slip shall be signed by all
12 the judges of election and shall be inserted by them in the
13 first ballot box. The judges of election shall thereupon
14 immediately lock each ~~the first~~ ballot box; provided, that if
15 such box is not of a type which may be securely locked, such
16 box shall be sealed with filament tape provided for such
17 purpose which shall be wrapped around the box lengthwise and
18 crosswise, at least twice each way, and in such manner that the
19 seal completely covers the slot in the ballot box, and each of
20 the judges shall sign such seal. Thereupon two of the judges of
21 election, of different political parties, shall forthwith and
22 by the most direct route transport both ballot boxes to the
23 counting location designated by the county clerk or board of
24 election commissioners.

25 Before the ballots of a precinct are fed to the electronic
26 tabulating equipment, the first ballot box shall be opened at
27 the central counting station by the two precinct transport
28 judges. Upon opening a ballot box, such team shall first count
29 the number of ballots in the box. If 2 or more are folded
30 together so as to appear to have been cast by the same person,
31 all of the ballots so folded together shall be marked and
32 returned with the other ballots in the same condition, as near
33 as may be, in which they were found when first opened, but
34 shall not be counted. If the remaining ballots are found to

1 exceed the number of persons voting in the precinct as shown by
2 the slip signed by the judges of election, the ballots shall be
3 replaced in the box, and the box closed and well shaken and
4 again opened and one of the precinct transport judges shall
5 publicly draw out so many ballots unopened as are equal to such
6 excess.

7 Such excess ballots shall be marked "Excess-Not Counted"
8 and signed by the two precinct transport judges and shall be
9 placed in the "After 7:00 p.m. Defective Ballots Envelope". The
10 number of excess ballots shall be noted in the remarks section
11 of the Certificate of Results. "Excess" ballots shall not be
12 counted in the total of "defective" ballots.

13 The precinct transport judges shall then examine the
14 remaining ballots for write-in votes and shall count and
15 tabulate the write-in vote; or

16 (b) A single ballot box, for the deposit of all votes cast,
17 shall be used. All ballots which are not to be tabulated on the
18 electronic voting system shall be counted, tallied, and
19 returned as elsewhere provided in "The Election Code," as
20 amended, for the counting and handling of paper ballots.

21 All ballots to be processed and tabulated with the
22 electronic voting system shall be processed as follows:

23 Immediately after the closing of the polls, ~~the absentee~~
24 ~~and early ballots delivered to the precinct judges of election~~
25 ~~by the election official in charge of the election shall be~~
26 ~~examined to determine that such ballots comply with Sections~~
27 ~~19-9, 19A-55, and 20-9 of "The Election Code," as amended, and~~
28 ~~are entitled to be deposited in the ballot box; those entitled~~
29 ~~to be deposited in the ballot box shall be initialed by the~~
30 ~~precinct judges of election and deposited in the ballot box.~~
31 ~~Those not entitled to be deposited in the ballot box shall be~~
32 ~~marked "Rejected" and disposed of as provided in said Sections~~
33 ~~19-9, 19A-55, and 20-9.~~ The precinct judges of election then
34 shall open the ballot box and canvass the votes polled to

1 determine that the number of ballots therein agree with the
2 number of voters voting as shown by the applications for ballot
3 or if the same do not agree the judges of election shall make
4 such ballots agree with the applications for ballot in the
5 manner provided by Section 17-18 of "The Election Code." The
6 judges of election shall then examine all ~~paper absentee and~~
7 ~~early ballots,~~ ballot cards and ballot card envelopes which are
8 in the ballot box to determine whether the ~~paper ballots,~~
9 ballot cards and ballot card envelopes bear the initials of a
10 precinct judge of election. If any ~~paper ballot,~~ ballot card or
11 ballot card envelope is not initialed, it shall be marked on
12 the back "Defective," initialed as to such label by all judges
13 immediately under such word "Defective," and not counted, but
14 placed in the envelope provided for that purpose labeled
15 "Defective Ballots Envelope." ~~The judges of election,~~
16 ~~consisting in each case of at least one judge of election of~~
17 ~~each of the two major political parties, shall examine the~~
18 ~~paper absentee and early ballots which were in the ballot box~~
19 ~~and properly initialed so as to determine whether the same~~
20 ~~contain write-in votes. Write-in votes, not causing an overvote~~
21 ~~for an office otherwise voted for on the paper absentee or~~
22 ~~early ballot, and otherwise properly voted, shall be counted,~~
23 ~~tallied and recorded on the tally sheet provided for such~~
24 ~~record. A write-in vote causing an overvote for an office shall~~
25 ~~not be counted for that office, but the precinct judges shall~~
26 ~~mark such paper absentee or early ballot "Objected To" on the~~
27 ~~back thereof and write on its back the manner in which such~~
28 ~~ballot is counted and initial the same. An overvote for one~~
29 ~~office shall invalidate only the vote or count of that~~
30 ~~particular office. After counting, tallying and recording the~~
31 ~~write-in votes on absentee and early ballots, the judges of~~
32 ~~election, consisting in each case of at least one judge of~~
33 ~~election of each of the two major political parties, shall make~~
34 ~~a true duplicate ballot of the remaining valid votes on each~~

1 ~~paper absentee and early ballot which was in the ballot box and~~
2 ~~properly initialed, by using the electronic voting system used~~
3 ~~in the precinct and one of the marking devices of the precinct~~
4 ~~so as to transfer the remaining valid votes of the voter on the~~
5 ~~paper absentee or early ballot to an official ballot or a~~
6 ~~ballot card of that kind used in the precinct at that election.~~
7 ~~The original paper absentee ballot shall be clearly labeled~~
8 ~~"Absentee Ballot" or "Early Ballot", as the case may be, and~~
9 ~~the ballot card so produced "Duplicate Absentee Ballot" or~~
10 ~~"Duplicate Early Ballot", as the case may be, and each shall~~
11 ~~bear the same serial number which shall be placed thereon by~~
12 ~~the judges of election, commencing with number 1 and continuing~~
13 ~~consecutively for the ballots of that kind in that precinct.~~
14 ~~The judges of election shall initial the "Duplicate Absentee~~
15 ~~Ballot" and "Duplicate Early Ballot" ballots or ballot cards,~~
16 ~~and shall place them in the box for return of the ballots with~~
17 ~~all other ballots or ballot cards to be counted at the central~~
18 ~~counting location in lieu of the paper absentee and early~~
19 ~~ballots. The paper absentee and early ballots shall be placed~~
20 ~~in an envelope provided for that purpose labeled "Duplicate~~
21 ~~Ballots."~~

22 When an electronic voting system is used which utilizes a
23 ballot card, before separating the ~~remaining~~ ballot cards from
24 their respective covering envelopes, the judges of election
25 shall examine the ballot card envelopes for write-in votes.
26 When the voter has voted a write-in vote, the judges of
27 election shall compare the write-in vote with the votes on the
28 ballot card to determine whether such write-in results in an
29 overvote for any office. In case of an overvote for any office,
30 the judges of election, consisting in each case of at least one
31 judge of election of each of the two major political parties,
32 shall make a true duplicate ballot of all votes on such ballot
33 card except for the office which is overvoted, by using the
34 ballot label booklet of the precinct and one of the marking

1 devices of the precinct so as to transfer all votes of the
2 voter except for the office overvoted, to an official ballot
3 card of that kind used in the precinct at that election. The
4 original ballot card and envelope upon which there is an
5 overvote shall be clearly labeled "Overvoted Ballot", and each
6 shall bear the same serial number which shall be placed thereon
7 by the judges of election, commencing with number 1 and
8 continuing consecutively for the ballots of that kind in that
9 precinct. The judges of election shall initial the "Duplicate
10 Overvoted Ballot" ballot cards and shall place them in the box
11 for return of the ballots. The "Overvoted Ballot" ballots and
12 their envelopes shall be placed in the "Duplicate Ballots"
13 envelope. Envelopes bearing write-in votes marked in the place
14 designated therefor and bearing the initials of a precinct
15 judge of election and not resulting in an overvote and
16 otherwise complying with the election laws as to marking shall
17 be counted, tallied, and their votes recorded on a tally sheet
18 provided by the election official in charge of the election.
19 The ballot cards and ballot card envelopes shall be separated
20 and all except any defective or overvoted shall be placed
21 separately in the box for return of the ballots, ~~along with~~
22 ~~all "Duplicate Absentee Ballots", "Duplicate Early Ballots",~~
23 ~~and "Duplicate Overvoted Ballots."~~ The judges of election shall
24 examine the ballots and ballot cards to determine if any is
25 damaged or defective so that it cannot be counted by the
26 automatic tabulating equipment. If any ballot or ballot card is
27 damaged or defective so that it cannot properly be counted by
28 the automatic tabulating equipment, the judges of election,
29 consisting in each case of at least one judge of election of
30 each of the two major political parties, shall make a true
31 duplicate ballot of all votes on such ballot card by using the
32 ballot label booklet of the precinct and one of the marking
33 devices of the precinct. The original ballot or ballot card and
34 envelope shall be clearly labeled "Damaged Ballot" and the

1 ballot or ballot card so produced "Duplicate Damaged Ballot,"
2 and each shall bear the same number which shall be placed
3 thereon by the judges of election, commencing with number 1 and
4 continuing consecutively for the ballots of that kind in the
5 precinct. The judges of election shall initial the "Duplicate
6 Damaged Ballot" ballot or ballot cards, and shall place them in
7 the box for return of the ballots. The "Damaged Ballot" ballots
8 or ballot cards and their envelopes shall be placed in the
9 "Duplicated Ballots" envelope. A slip indicating the number of
10 voters voting in person, ~~number of absentee votes deposited in~~
11 ~~the ballot box, and the total number of voters of the precinct~~
12 ~~who voted at the election~~ shall be made out, signed by all
13 judges of election, and inserted in the box for return of the
14 ballots. The tally sheets recording the write-in votes shall be
15 placed in this box. The judges of election thereupon
16 immediately shall securely lock the ballot box or other
17 suitable box furnished for return of the ballots by the
18 election official in charge of the election; provided that if
19 such box is not of a type which may be securely locked, such
20 box shall be sealed with filament tape provided for such
21 purpose which shall be wrapped around the box lengthwise and
22 crosswise, at least twice each way. A separate adhesive seal
23 label signed by each of the judges of election of the precinct
24 shall be affixed to the box so as to cover any slot therein and
25 to identify the box of the precinct; and if such box is sealed
26 with filament tape as provided herein rather than locked, such
27 tape shall be wrapped around the box as provided herein, but in
28 such manner that the separate adhesive seal label affixed to
29 the box and signed by the judges may not be removed without
30 breaking the filament tape and disturbing the signature of the
31 judges. Thereupon, 2 of the judges of election, of different
32 major political parties, forthwith shall by the most direct
33 route transport the box for return of the ballots and enclosed
34 ballots and returns to the central counting location designated

1 by the election official in charge of the election. If,
2 however, because of the lack of adequate parking facilities at
3 the central counting location or for any other reason, it is
4 impossible or impracticable for the boxes from all the polling
5 places to be delivered directly to the central counting
6 location, the election official in charge of the election may
7 designate some other location to which the boxes shall be
8 delivered by the 2 precinct judges. While at such other
9 location the boxes shall be in the care and custody of one or
10 more teams, each consisting of 4 persons, 2 from each of the
11 two major political parties, designated for such purpose by the
12 election official in charge of elections from recommendations
13 by the appropriate political party organizations. As soon as
14 possible, the boxes shall be transported from such other
15 location to the central counting location by one or more teams,
16 each consisting of 4 persons, 2 from each of the 2 major
17 political parties, designated for such purpose by the election
18 official in charge of elections from recommendations by the
19 appropriate political party organizations.

20 The "Defective Ballots" envelope, and "Duplicated Ballots"
21 envelope each shall be securely sealed and the flap or end
22 thereof of each signed by the precinct judges of election and
23 returned to the central counting location with the box for
24 return of the ballots, enclosed ballots and returns.

25 At the central counting location, a team of tally judges
26 designated by the election official in charge of the election
27 shall check the box returned containing the ballots to
28 determine that all seals are intact, and thereupon shall open
29 the box, check the voters' slip and compare the number of
30 ballots so delivered against the total number of voters of the
31 precinct who voted, remove the ballots or ballot cards and
32 deliver them to the technicians operating the automatic
33 tabulating equipment. Any discrepancies between the number of
34 ballots and total number of voters shall be noted on a sheet

1 furnished for that purpose and signed by the tally judges; or

2 (c) A single ballot box, for the deposit of all votes cast,
3 shall be used. Immediately after the closing of the polls ~~the~~
4 ~~judges of election shall examine the absentee and early ballots~~
5 ~~received by the precinct judges of election from the election~~
6 ~~authority of voters in that precinct to determine that they~~
7 ~~comply with the provisions of Sections 19-9, 19A-55, 20-8, and~~
8 ~~20-9 of the Election Code, as amended, and are entitled to be~~
9 ~~deposited in the ballot box; those entitled to be deposited in~~
10 ~~the ballot box shall be initialed by the precinct judges and~~
11 ~~deposited in the ballot box. Those not entitled to be deposited~~
12 ~~in the ballot box, in accordance with Sections 19-9, 19A-55,~~
13 ~~20-8, and 20-9 of the Election Code, as amended, shall be~~
14 ~~marked "Rejected" and preserved in the manner provided in The~~
15 ~~Election Code for the retention and preservation of official~~
16 ~~ballots rejected at such election. Immediately upon the~~
17 ~~completion of the absentee and early balloting,~~ the precinct
18 judges of election shall securely lock the ballot box; provided
19 that if such box is not of a type which may be securely locked,
20 such box shall be sealed with filament tape provided for such
21 purpose which shall be wrapped around the box lengthwise and
22 crosswise, at least twice each way. A separate adhesive seal
23 label signed by each of the judges of election of the precinct
24 shall be affixed to the box so as to cover any slot therein and
25 to identify the box of the precinct; and if such box is sealed
26 with filament tape as provided herein rather than locked, such
27 tape shall be wrapped around the box as provided herein, but in
28 such manner that the separate adhesive seal label affixed to
29 the box and signed by the judges may not be removed without
30 breaking the filament tape and disturbing the signature of the
31 judges. Thereupon, 2 of the judges of election, of different
32 major political parties, shall forthwith by the most direct
33 route transport the box for return of the ballots and enclosed
34 absentee and early ballots and returns to the central counting

1 location designated by the election official in charge of the
2 election. If however, because of the lack of adequate parking
3 facilities at the central counting location or for some other
4 reason, it is impossible or impracticable for the boxes from
5 all the polling places to be delivered directly to the central
6 counting location, the election official in charge of the
7 election may designate some other location to which the boxes
8 shall be delivered by the 2 precinct judges. While at such
9 other location the boxes shall be in the care and custody of
10 one or more teams, each consisting of 4 persons, 2 from each of
11 the two major political parties, designated for such purpose by
12 the election official in charge of elections from
13 recommendations by the appropriate political party
14 organizations. As soon as possible, the boxes shall be
15 transported from such other location to the central counting
16 location by one or more teams, each consisting of 4 persons, 2
17 from each of the 2 major political parties, designated for such
18 purpose by the election official in charge of the election from
19 recommendations by the appropriate political party
20 organizations.

21 At the central counting location there shall be one or more
22 teams of tally judges who possess the same qualifications as
23 tally judges in election jurisdictions using paper ballots. The
24 number of such teams shall be determined by the election
25 authority. Each team shall consist of 5 tally judges, 3
26 selected and approved by the county board from a certified list
27 furnished by the chairman of the county central committee of
28 the party with the majority of members on the county board and
29 2 selected and approved by the county board from a certified
30 list furnished by the chairman of the county central committee
31 of the party with the second largest number of members on the
32 county board. At the central counting location a team of tally
33 judges shall open the ballot box and canvass the votes polled
34 to determine that the number of ballot sheets therein agree

1 with the number of voters voting as shown by the applications
2 for ballot ~~and for absentee and early ballot~~; and, if the same
3 do not agree, the tally judges shall make such ballots agree
4 with the number of applications for ballot in the manner
5 provided by Section 17-18 of the Election Code. The tally
6 judges shall then examine all ballot sheets which are in the
7 ballot box to determine whether they bear the initials of the
8 precinct judge of election. If any ballot is not initialed, it
9 shall be marked on the back "Defective", initialed as to such
10 label by all tally judges immediately under such word
11 "Defective", and not counted, but placed in the envelope
12 provided for that purpose labeled "Defective Ballots
13 Envelope". ~~Write-in votes, not causing an overvote for an
14 office otherwise voted for on the absentee and early ballot
15 sheet, and otherwise properly voted, shall be counted, tallied
16 and recorded by the central counting location judges on the
17 tally sheet provided for such record. A write in vote causing
18 an overvote for an office shall not be counted for that office,
19 but the tally judges shall mark such absentee ballot sheet
20 "Objected To" on the back thereof and write on its back the
21 manner in which such ballot is counted and initial the same. An
22 overvote for one office shall invalidate only the vote or count
23 of that particular office.~~

24 At the central counting location, a team of tally judges
25 designated by the election official in charge of the election
26 shall deliver the ballot sheets to the technicians operating
27 the automatic tabulating equipment. Any discrepancies between
28 the number of ballots and total number of voters shall be noted
29 on a sheet furnished for that purpose and signed by the tally
30 judges.

31 (2) Regardless of which procedure described in subsection
32 (1) of this Section is used, the judges of election designated
33 to transport the ballots, properly signed and sealed as
34 provided herein, shall ensure that the ballots are delivered to

1 the central counting station no later than 12 hours after the
2 polls close. At the central counting station a team of tally
3 judges designated by the election official in charge of the
4 election shall examine the ballots so transported and shall not
5 accept ballots for tabulating which are not signed and sealed
6 as provided in subsection (1) of this Section until the judges
7 transporting the same make and sign the necessary corrections.
8 Upon acceptance of the ballots by a team of tally judges at the
9 central counting station, the election judges transporting the
10 same shall take a receipt signed by the election official in
11 charge of the election and stamped with the date and time of
12 acceptance. The election judges whose duty it is to transport
13 any ballots shall, in the event such ballots cannot be found
14 when needed, on proper request, produce the receipt which they
15 are to take as above provided.

16 (Source: P.A. 94-645, eff. 8-22-05.)

17 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

18 Sec. 24A-10.1. In an election jurisdiction where
19 in-precinct counting equipment is utilized, the following
20 procedures for counting and tallying the ballots shall apply:

21 Immediately after the closing of the polls, the ~~absentee~~
22 ~~and early ballots delivered to the precinct judges of election~~
23 ~~by the election authority shall be examined to determine that~~
24 ~~such ballots comply with Sections 19-9 and 20-9 of this Act and~~
25 ~~are entitled to be deposited in the ballot box; those entitled~~
26 ~~to be deposited in the ballot box shall be initialed by the~~
27 ~~precinct judges of election and deposited in the ballot box.~~
28 ~~Those not entitled to be deposited in the ballot box shall be~~
29 ~~marked "Rejected" and disposed of as provided in said Sections~~
30 ~~19-9, 19A-55, and 20-9.~~

31 ~~The~~ precinct judges of election shall open the ballot box
32 and count the number of ballots therein to determine if such
33 number agrees with the number of voters voting as shown by the

1 applications for ballot or, if the same do not agree, the
2 judges of election shall make such ballots agree with the
3 applications for ballot in the manner provided by Section 17-18
4 of this Act. The judges of election shall then examine all
5 ballot cards and ballot card envelopes which are in the ballot
6 box to determine whether the ballot cards and ballot card
7 envelopes contain the initials of a precinct judge of election.
8 If any ballot card or ballot card envelope is not initialed, it
9 shall be marked on the back "Defective", initialed as to such
10 label by all judges immediately under the word "Defective" and
11 not counted. The judges of election shall place an initialed
12 blank official ballot card in the place of the defective ballot
13 card, so that the count of the ballot cards to be counted on
14 the automatic tabulating equipment will be the same, and each
15 "Defective Ballot" card and "Replacement" card shall contain
16 the same serial number which shall be placed thereon by the
17 judges of election, commencing with number 1 and continuing
18 consecutively for the ballots of that kind in that precinct.
19 The original "Defective" card shall be placed in the "Defective
20 Ballot Envelope" provided for that purpose.

21 When an electronic voting system is used which utilizes a
22 ballot card, before separating the remaining ballot cards from
23 their respective covering envelopes, the judges of election
24 shall examine the ballot card envelopes for write-in votes.
25 When the voter has cast a write-in vote, the judges of election
26 shall compare the write-in vote with the votes on the ballot
27 card to determine whether such write-in results in an overvote
28 for any office. In case of an overvote for any office, the
29 judges of election, consisting in each case of at least one
30 judge of election of each of the 2 major political parties,
31 shall make a true duplicate ballot of all votes on such ballot
32 card except for the office which is overvoted, by using the
33 ballot label booklet of the precinct and one of the marking
34 devices of the precinct so as to transfer all votes of the

1 voter, except for the office overvoted, to a duplicate card.
2 The original ballot card and envelope upon which there is an
3 overvote shall be clearly labeled "Overvoted Ballot", and each
4 such "Overvoted Ballot" as well as its "Replacement" shall
5 contain the same serial number which shall be placed thereon by
6 the judges of election, commencing with number 1 and continuing
7 consecutively for the ballots of that kind in that precinct.
8 The "Overvoted Ballot" card and ballot envelope shall be placed
9 in an envelope provided for that purpose labeled "Duplicate
10 Ballot" envelope, and the judges of election shall initial the
11 "Replacement" ballot cards and shall place them with the other
12 ballot cards to be counted on the automatic tabulating
13 equipment. Envelopes containing write-in votes marked in the
14 place designated therefor and containing the initials of a
15 precinct judge of election and not resulting in an overvote and
16 otherwise complying with the election laws as to marking shall
17 be counted and tallied and their votes recorded on a tally
18 sheet provided by the election authority.

19 The ballot cards and ballot card envelopes shall be
20 separated in preparation for counting by the automatic
21 tabulating equipment provided for that purpose by the election
22 authority.

23 Before the ballots are entered into the automatic
24 tabulating equipment, a precinct identification card provided
25 by the election authority shall be entered into the device to
26 ensure that the totals are all zeroes in the count column on
27 the printing unit. A precinct judge of election shall then
28 count the ballots by entering each ballot card into the
29 automatic tabulating equipment, and if any ballot or ballot
30 card is damaged or defective so that it cannot properly be
31 counted by the automatic tabulating equipment, the judges of
32 election, consisting in each case of at least one judge of
33 election of each of the 2 major political parties, shall make a
34 true duplicate ballot of all votes on such ballot card by using

1 the ballot label booklet of the precinct and one of the marking
2 devices of the precinct. The original ballot or ballot card and
3 envelope shall be clearly labeled "Damaged Ballot" and the
4 ballot or ballot card so produced shall be clearly labeled
5 "Duplicate Damaged Ballot", and each shall contain the same
6 serial number which shall be placed thereon by the judges of
7 election, commencing with number 1 and continuing
8 consecutively for the ballots of that kind in the precinct. The
9 judges of election shall initial the "Duplicate Damaged Ballot"
10 ballot or ballot cards and shall enter the duplicate damaged
11 cards into the automatic tabulating equipment. The "Damaged
12 Ballot" cards shall be placed in the "Duplicated Ballots"
13 envelope; after all ballot cards have been successfully read,
14 the judges of election shall check to make certain that the
15 last number printed by the printing unit is the same as the
16 number of voters making application for ballot in that
17 precinct. The number shall be listed on the "Statement of
18 Ballots" form provided by the election authority.

19 The totals for all candidates and propositions shall be
20 tabulated; 4 sets shall be attached to the 4 sets of
21 "Certificate of Results" provided by the election authority;
22 one set shall be posted in a conspicuous place inside the
23 polling place; and every effort shall be made by the judges of
24 election to provide a set for each authorized pollwatcher or
25 other official authorized to be present in the polling place to
26 observe the counting of ballots; but in no case shall the
27 number of sets to be made available to pollwatchers be fewer
28 than 4, chosen by lot by the judges of election. In addition,
29 sufficient time shall be provided by the judges of election to
30 the pollwatchers to allow them to copy information from the set
31 which has been posted.

32 The judges of election shall count all unused ballot cards
33 and enter the number on the "Statement of Ballots". All
34 "Spoiled", "Defective" and "Duplicated" ballot cards shall be

1 counted and the number entered on the "Statement of Ballots".

2 The precinct judges of election shall select a bi-partisan
3 team of 2 judges, who shall immediately return the ballots in a
4 sealed container, along with all other election materials as
5 instructed by the election authority; provided, however, that
6 such container must first be sealed by the election judges with
7 filament tape provided for such purpose which shall be wrapped
8 around the container lengthwise and crosswise, at least twice
9 each way, in such manner that the ballots cannot be removed
10 from such container without breaking the seal and filament tape
11 and disturbing any signatures affixed by the election judges to
12 the container. The election authority shall keep the office of
13 the election authority, or any receiving stations designated by
14 such authority, open for at least 12 consecutive hours after
15 the polls close or until the ballots from all precincts with
16 in-precinct counting equipment within the jurisdiction of the
17 election authority have been returned to the election
18 authority. Ballots returned to the office of the election
19 authority which are not signed and sealed as required by law
20 shall not be accepted by the election authority until the
21 judges returning the same make and sign the necessary
22 corrections. Upon acceptance of the ballots by the election
23 authority, the judges returning the same shall take a receipt
24 signed by the election authority and stamped with the time and
25 date of such return. The election judges whose duty it is to
26 return any ballots as herein provided shall, in the event such
27 ballots cannot be found when needed, on proper request, produce
28 the receipt which they are to take as above provided.

29 (Source: P.A. 94-645, eff. 8-22-05.)

30 (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

31 Sec. 24A-15. The precinct return printed by the automatic
32 tabulating equipment shall include the number of ballots cast
33 and votes cast for each candidate and proposition and shall

1 constitute the official return of each precinct. In addition to
2 the precinct return, the election authority shall provide the
3 number of applications for ballots in each precinct, the
4 write-in votes, the total number of ballots counted in each
5 precinct for each political subdivision and district and the
6 number of registered voters in each precinct. However, the
7 election authority shall check the totals shown by the precinct
8 return and, if there is an obvious discrepancy with respect to
9 the total number of votes cast in any precinct, shall have the
10 ballots for such precinct retabulated to correct the return.
11 The procedures for retabulation shall apply prior to and after
12 the proclamation is completed; however, after the proclamation
13 of results, the election authority must obtain a court order to
14 unseal voted ballots except for election contests and discovery
15 recounts. In those election jurisdictions that utilize
16 in-precinct counting equipment, the certificate of results,
17 which has been prepared by the judges of election in the
18 polling place after the ballots have been tabulated, shall be
19 the document used for the canvass of votes for such precinct.
20 Whenever a discrepancy exists during the canvass of votes
21 between the unofficial results and the certificate of results,
22 or whenever a discrepancy exists during the canvass of votes
23 between the certificate of results and the set of totals which
24 has been affixed to such certificate of results, the ballots
25 for such precinct shall be retabulated to correct the return.
26 As an additional part of this check prior to the proclamation,
27 in those jurisdictions where in-precinct counting equipment is
28 utilized, the election authority shall retabulate the total
29 number of votes cast in 5% of the precincts within the election
30 jurisdiction. The precincts to be retabulated shall be selected
31 after election day on a random basis by the State Board of
32 Elections ~~election authority~~, so that every precinct in the
33 election jurisdiction has an equal mathematical chance of being
34 selected. The State Board of Elections shall design a standard

1 and scientific random method of selecting the precincts which
2 are to be retabulated, ~~and the election authority shall be~~
3 ~~required to utilize such method.~~ The State central committee
4 ~~State Board of Elections, the State's Attorney and other~~
5 ~~appropriate law enforcement agencies, the county~~ chairman of
6 each established political party ~~and qualified civic~~
7 ~~organizations~~ shall be given prior written notice of the time
8 and place of such random selection procedure and may be
9 represented at such procedure. Such retabulation shall consist
10 of counting the ballot cards which were originally counted and
11 shall not involve any determination as to which ballot cards
12 were, in fact, properly counted. The ballots from the precincts
13 selected for such retabulation shall remain at all times under
14 the custody and control of the election authority and shall be
15 transported and retabulated by the designated staff of the
16 election authority.

17 As part of such retabulation, the election authority shall
18 test the computer program in the selected precincts. Such test
19 shall be conducted by processing a preaudited group of ballots
20 so punched so as to record a predetermined number of valid
21 votes for each candidate and on each public question, and shall
22 include for each office one or more ballots which have votes in
23 excess of the number allowed by law in order to test the
24 ability of the equipment to reject such votes. If any error is
25 detected, the cause therefor shall be ascertained and corrected
26 and an errorless count shall be made prior to the official
27 canvass and proclamation of election results.

28 The State Board of Elections, the State's Attorney and
29 other appropriate law enforcement agencies, the county
30 chairman of each established political party and qualified
31 civic organizations shall be given prior written notice of the
32 time and place of such retabulation and may be represented at
33 such retabulation.

34 The results of this retabulation shall be treated in the

1 same manner and have the same effect as the results of the
2 discovery procedures set forth in Section 22-9.1 of this Act.
3 Upon completion of the retabulation, the election authority
4 shall print a comparison of the results of the retabulation
5 with the original precinct return printed by the automatic
6 tabulating equipment. Such comparison shall be done for each
7 precinct and for each office voted upon within that precinct,
8 and the comparisons shall be open to the public.

9 (Source: P.A. 89-700, eff. 1-17-97.)

10 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

11 Sec. 24A-16. The State Board of Elections shall approve all
12 voting systems provided by this Article.

13 No voting system shall be approved unless it fulfills the
14 following requirements:

15 (1) It enables a voter to vote in absolute secrecy;

16 (2) (Blank);

17 (3) It enables a voter to vote a ticket selected in part
18 from the nominees of one party, and in part from the nominees
19 of any or all parties, and in part from independent candidates
20 and in part of candidates whose names are written in by the
21 voter;

22 (4) It enables a voter to vote a written or printed ticket
23 of his own selection for any person for any office for whom he
24 may desire to vote;

25 (5) It will reject all votes for an office or upon a
26 proposition when the voter has cast more votes for such office
27 or upon such proposition than he is entitled to cast;

28 (6) It will accommodate all propositions to be submitted to
29 the voters in the form provided by law or, where no such form
30 is provided, then in brief form, not to exceed 75 words.

31 The State Board of Elections shall not approve any voting
32 equipment or system that includes an external Infrared Data
33 Association (IrDA) communications port.

1 The State Board of Elections is authorized to withdraw its
2 approval of a voting system if the system fails to fulfill the
3 above requirements.

4 The vendor, person, or other private entity shall be solely
5 responsible for the production and cost of: all ballots;
6 additional temporary workers; and other equipment or
7 facilities needed and used in the testing of the vendor's,
8 person's, or other private entity's respective equipment and
9 software.

10 No vendor, person, or other entity may sell, lease, or
11 loan, or have a written contract, including a contract
12 contingent upon State Board approval of the voting system or
13 voting system component, to sell, lease, or loan, a voting
14 system or voting system component to any election jurisdiction
15 unless the voting system or voting system component is first
16 approved by the State Board of Elections pursuant to this
17 Section.

18 (Source: P.A. 89-700, eff. 1-17-97.)

19 (10 ILCS 5/24B-9)

20 Sec. 24B-9. Testing of Precinct Tabulation Optical Scan
21 Technology Equipment and Program; Custody of Programs, Test
22 Materials and Ballots. Prior to the public test, the election
23 authority shall conduct an errorless pre-test of the automatic
24 Precinct Tabulation Optical Scan Technology tabulating
25 equipment and program and marking device to determine that they
26 will correctly detect Voting Defects and count the votes cast
27 for all offices and all measures. On any day not less than 5
28 days prior to the election day, the election authority shall
29 publicly test the automatic Precinct Tabulation Optical Scan
30 Technology tabulating equipment and program to determine that
31 they will correctly detect Voting Defects and count the votes
32 cast for all offices and on all measures. Public notice of the
33 time and place of the test shall be given at least 48 hours

1 before the test by publishing the notice in one or more
2 newspapers within the election jurisdiction of the election
3 authority, if a newspaper is published in that jurisdiction. If
4 a newspaper is not published in that jurisdiction, notice shall
5 be published in a newspaper of general circulation in that
6 jurisdiction. Timely written notice stating the date, time, and
7 location of the public test shall also be provided to the State
8 Board of Elections. The test shall be open to representatives
9 of the political parties, the press, representatives of the
10 State Board of Elections, and the public. The test shall be
11 conducted by processing a preaudited group of ballots marked to
12 record a predetermined number of valid votes for each candidate
13 and on each measure, and shall include for each office one or
14 more ballots having votes exceeding the number allowed by law
15 to test the ability of the automatic tabulating equipment or
16 marking device to reject the votes. The test shall also include
17 producing an edit listing. In those election jurisdictions
18 where in-precinct counting equipment is used, a public test of
19 both the equipment and program shall be conducted as nearly as
20 possible in the manner prescribed above. The State Board of
21 Elections may select as many election jurisdictions as the
22 Board deems advisable in the interests of the election process
23 of this State, to order a special test of the automatic
24 tabulating equipment and program before any regular election.
25 The Board may order a special test in any election jurisdiction
26 where, during the preceding 12 months, computer programming
27 errors or other errors in the use of electronic voting systems
28 resulted in vote tabulation errors. Not less than 30 days
29 before any election, the State Board of Elections shall provide
30 written notice to those selected jurisdictions of their intent
31 to conduct a test. Within 5 days of receipt of the State Board
32 of Elections' written notice of intent to conduct a test, the
33 selected jurisdictions shall forward to the principal office of
34 the State Board of Elections a copy of all specimen ballots.

1 The State Board of Elections' tests shall be conducted and
2 completed not less than 2 days before the public test ~~utilizing~~
3 ~~testing materials supplied by the Board~~ and under the
4 supervision of the Board. The vendor, person, or other private
5 entity shall be solely responsible for the production and cost
6 of: all ballots; additional temporary workers; and other
7 equipment or facilities needed and used in the testing of the
8 vendor's, person's, or other private entity's respective
9 equipment and software. ~~and the Board shall reimburse the~~
10 ~~election authority for the reasonable cost of computer time~~
11 ~~required to conduct the special test.~~ After an errorless test,
12 materials used in the public test, including the program, if
13 appropriate, shall be sealed and remain sealed until the test
14 is run again on election day. If any error is detected, the
15 cause of the error shall be determined and corrected, and an
16 errorless public test shall be made before the automatic
17 tabulating equipment is approved. Each election authority
18 shall file a sealed copy of each tested program to be used
19 within its jurisdiction at an election with the State Board of
20 Elections before the election. The Board shall secure the
21 program or programs of each election jurisdiction so filed in
22 its office until the next election of the same type (general
23 primary, general election, consolidated primary, or
24 consolidated election) for which the program or programs were
25 filed ~~for the 60 days following the canvass and proclamation of~~
26 ~~election results.~~ At the expiration of that time, if no
27 election contest or appeal is pending in an election
28 jurisdiction, the Board shall destroy ~~return~~ the sealed program
29 or programs ~~to the election authority of the jurisdiction.~~
30 Except where in-precinct counting equipment is used, the test
31 shall be repeated immediately before the start of the official
32 counting of the ballots, in the same manner as set forth above.
33 After the completion of the count, the test shall be re-run
34 using the same program. Immediately after the re-run, all

1 material used in testing the program and the programs shall be
2 sealed and retained under the custody of the election authority
3 for a period of 60 days. At the expiration of that time the
4 election authority shall destroy the voted ballots, together
5 with all unused ballots returned from the precincts. Provided,
6 if any contest of election is pending at the time in which the
7 ballots may be required as evidence and the election authority
8 has notice of the contest, the same shall not be destroyed
9 until after the contest is finally determined. If the use of
10 back-up equipment becomes necessary, the same testing required
11 for the original equipment shall be conducted.

12 (Source: P.A. 93-574, eff. 8-21-03.)

13 (10 ILCS 5/24B-10)

14 Sec. 24B-10. Receiving, Counting, Tallying and Return of
15 Ballots; Acceptance of Ballots by Election Authority.

16 (a) In an election jurisdiction which has adopted an
17 electronic Precinct Tabulation Optical Scan Technology voting
18 system, the election official in charge of the election shall
19 select one of the 3 following procedures for receiving,
20 counting, tallying, and return of the ballots:

21 (1) Two ballot boxes shall be provided for each polling
22 place. The first ballot box is for the depositing of votes
23 cast on the electronic voting system; and the second ballot
24 box is for all votes cast on other ballots, including
25 ~~absentee paper and early paper ballots and any other paper~~
26 ballots required to be voted other than on the Precinct
27 Tabulation Optical Scan Technology electronic voting
28 system. Ballots, ~~except absentee and early ballots for~~
29 ~~candidates and propositions which are listed on the~~
30 ~~Precinct Tabulation Optical Scan Technology electronic~~
31 ~~voting system,~~ deposited in the second ballot box shall be
32 counted, tallied, and returned as is elsewhere provided in
33 this Code for the counting and handling of paper ballots.

1 Immediately after the closing of the polls, ~~the absentee~~
2 ~~and early ballots delivered to the precinct judges of~~
3 ~~election by the election official in charge of the election~~
4 ~~shall be examined to determine that the ballots comply with~~
5 ~~Sections 19-9, 19A-55, and 20-9 of this Code and are~~
6 ~~entitled to be inserted into the counting equipment and~~
7 ~~deposited into the ballot box provided; those entitled to~~
8 ~~be deposited in this ballot box shall be initialed by the~~
9 ~~precinct judges of election and deposited. Those not~~
10 ~~entitled to be deposited in this ballot box shall be marked~~
11 ~~"Rejected" and disposed of as provided in Sections 19-9,~~
12 ~~19A-55, and 20-9. The precinct judges of election shall~~
13 ~~then open the second ballot box and examine all paper~~
14 ~~absentee and early ballots which are in the ballot box to~~
15 ~~determine whether the absentee or early ballots bear the~~
16 ~~initials of a precinct judge of election. If any absentee~~
17 ~~or early ballot is not so initialed, it shall be marked on~~
18 ~~the back "Defective", initialed as to the label by all~~
19 ~~judges immediately under the word "Defective", and not~~
20 ~~counted, but placed in the envelope provided for that~~
21 ~~purpose labeled "Defective Ballots Envelope". The judges~~
22 ~~of election, consisting in each case of at least one judge~~
23 ~~of election of each of the 2 major political parties, shall~~
24 ~~examine the paper absentee and early ballots which were in~~
25 ~~such ballot box and properly initialed to determine whether~~
26 ~~the same contain write in votes. Write in votes, not~~
27 ~~causing an overvote for an office otherwise voted for on~~
28 ~~the paper absentee or early ballot, and otherwise properly~~
29 ~~voted, shall be counted, tallied and recorded on the tally~~
30 ~~sheet provided for the record. A write in vote causing an~~
31 ~~overvote for an office shall not be counted for that~~
32 ~~office, but the precinct judges shall mark such paper~~
33 ~~absentee or early ballot "Objected To" on the back and~~
34 ~~write on its back the manner in which the ballot is counted~~

1 ~~and initial the same. An overvote for one office shall~~
2 ~~invalidate only the vote or count of that particular~~
3 ~~office. After counting, tallying and recording the~~
4 ~~write-in votes on absentee and early ballots, the judges of~~
5 ~~election, consisting in each case of at least one judge of~~
6 ~~election of each of the 2 major political parties, shall~~
7 ~~make a true duplicate ballot of the remaining valid votes~~
8 ~~on each paper absentee and early ballot which was in the~~
9 ~~ballot box and properly initialed, by using the electronic~~
10 ~~Precinct Tabulation Optical Scan Technology voting system~~
11 ~~used in the precinct and one of the marking devices, or~~
12 ~~equivalent marking device or equivalent ballot, of the~~
13 ~~precinct to transfer the remaining valid votes of the voter~~
14 ~~on the paper absentee or early ballot to an official ballot~~
15 ~~or a ballot card of that kind used in the precinct at that~~
16 ~~election. The original paper absentee ballot shall be~~
17 ~~clearly labeled "Absentee Ballot" or "Early Ballot", as the~~
18 ~~case may be, and the ballot card so produced "Duplicate~~
19 ~~Absentee Ballot" or "Duplicate Early Ballot", as the case~~
20 ~~may be, and each shall bear the same serial number which~~
21 ~~shall be placed thereon by the judges of election,~~
22 ~~beginning with number 1 and continuing consecutively for~~
23 ~~the ballots of that kind in that precinct. The judges of~~
24 ~~election shall initial the "Duplicate Absentee Ballot" and~~
25 ~~"Duplicate Early Ballot" ballots and shall place them in~~
26 ~~the first ballot box provided for return of the ballots to~~
27 ~~be counted at the central counting location in lieu of the~~
28 ~~paper absentee and early ballots. The paper absentee and~~
29 ~~early ballots shall be placed in an envelope provided for~~
30 ~~that purpose labeled "Duplicate Ballots".~~

31 ~~As soon as the absentee and early ballots have been~~
32 ~~deposited in the first ballot box, the judges of election~~
33 shall make out a slip indicating the number of persons who
34 voted in the precinct at the election. The slip shall be

1 signed by all the judges of election and shall be inserted
2 by them in the first ballot box. The judges of election
3 shall thereupon immediately lock each ~~the first~~ ballot box;
4 provided, that if the box is not of a type which may be
5 securely locked, the box shall be sealed with filament tape
6 provided for the purpose that shall be wrapped around the
7 box lengthwise and crosswise, at least twice each way, and
8 in a manner that the seal completely covers the slot in the
9 ballot box, and each of the judges shall sign the seal. Two
10 of the judges of election, of different political parties,
11 shall by the most direct route transport both ballot boxes
12 to the counting location designated by the county clerk or
13 board of election commissioners.

14 Before the ballots of a precinct are fed to the
15 electronic Precinct Tabulation Optical Scan Technology
16 tabulating equipment, the first ballot box shall be opened
17 at the central counting station by the 2 precinct transport
18 judges. Upon opening a ballot box, the team shall first
19 count the number of ballots in the box. If 2 or more are
20 folded together to appear to have been cast by the same
21 person, all of the ballots folded together shall be marked
22 and returned with the other ballots in the same condition,
23 as near as may be, in which they were found when first
24 opened, but shall not be counted. If the remaining ballots
25 are found to exceed the number of persons voting in the
26 precinct as shown by the slip signed by the judges of
27 election, the ballots shall be replaced in the box, and the
28 box closed and well shaken and again opened and one of the
29 precinct transport judges shall publicly draw out so many
30 ballots unopened as are equal to the excess.

31 The excess ballots shall be marked "Excess-Not
32 Counted" and signed by the 2 precinct transport judges and
33 shall be placed in the "After 7:00 p.m. Defective Ballots
34 Envelope". The number of excess ballots shall be noted in

1 the remarks section of the Certificate of Results. "Excess"
2 ballots shall not be counted in the total of "defective"
3 ballots.

4 The precinct transport judges shall then examine the
5 remaining ballots for write-in votes and shall count and
6 tabulate the write-in vote.

7 (2) A single ballot box, for the deposit of all votes
8 cast, shall be used. All ballots which are not to be
9 tabulated on the electronic voting system shall be counted,
10 tallied, and returned as elsewhere provided in this Code
11 for the counting and handling of paper ballots.

12 All ballots to be processed and tabulated with the
13 electronic Precinct Tabulation Optical Scan Technology
14 voting system shall be processed as follows:

15 Immediately after the closing of the polls, the
16 ~~absentee and early ballots delivered to the precinct judges~~
17 ~~of election by the election official in charge of the~~
18 ~~election shall be examined to determine that such ballots~~
19 ~~comply with Sections 19-9, 19A-55, and 20-9 of this Code~~
20 ~~and are entitled to be deposited in the ballot box; those~~
21 ~~entitled to be deposited in the ballot box shall be~~
22 ~~initialed by the precinct judges of election and deposited~~
23 ~~in the ballot box. Those not entitled to be deposited in~~
24 ~~the ballot box shall be marked "Rejected" and disposed of~~
25 ~~as provided in Sections 19-9, 19A-55, and 20-9. The~~
26 precinct judges of election ~~then~~ shall open the ballot box
27 and canvass the votes polled to determine that the number
28 of ballots agree with the number of voters voting as shown
29 by the applications for ballot, or if the same do not agree
30 the judges of election shall make such ballots agree with
31 the applications for ballot in the manner provided by
32 Section 17-18 of this Code. ~~The judges of election shall~~
33 ~~then examine all paper absentee and early ballots and~~
34 ~~ballot envelopes which are in the ballot box to determine~~

1 ~~whether the ballots and ballot envelopes bear the initials~~
2 ~~of a precinct judge of election. If any ballot or ballot~~
3 ~~envelope is not initialed, it shall be marked on the back~~
4 ~~"Defective", initialed as to the label by all judges~~
5 ~~immediately under the word "Defective", and not counted,~~
6 ~~but placed in the envelope provided for that purpose~~
7 ~~labeled "Defective Ballots Envelope". The judges of~~
8 ~~election, consisting in each case of at least one judge of~~
9 ~~election of each of the 2 major political parties, shall~~
10 ~~examine the paper absentee and early ballots which were in~~
11 ~~the ballot box and properly initialed to determine whether~~
12 ~~the same contain write in votes. Write in votes, not~~
13 ~~causing an overvote for an office otherwise voted for on~~
14 ~~the paper absentee or early ballot, and otherwise properly~~
15 ~~voted, shall be counted, tallied and recorded on the tally~~
16 ~~sheet provided for the record. A write in vote causing an~~
17 ~~overvote for an office shall not be counted for that~~
18 ~~office, but the precinct judges shall mark the paper~~
19 ~~absentee or early ballot "Objected To" on the back and~~
20 ~~write on its back the manner the ballot is counted and~~
21 ~~initial the same. An overvote for one office shall~~
22 ~~invalidate only the vote or count of that particular~~
23 ~~office. After counting, tallying and recording the~~
24 ~~write in votes on absentee and early ballots, the judges of~~
25 ~~election, consisting in each case of at least one judge of~~
26 ~~election of each of the 2 major political parties, shall~~
27 ~~make a true duplicate ballot of the remaining valid votes~~
28 ~~on each paper absentee and early ballot which was in the~~
29 ~~ballot box and properly initialed, by using the electronic~~
30 ~~voting system used in the precinct and one of the marking~~
31 ~~devices of the precinct to transfer the remaining valid~~
32 ~~votes of the voter on the paper absentee or early ballot to~~
33 ~~an official ballot of that kind used in the precinct at~~
34 ~~that election. The original paper absentee or early ballot~~

1 ~~shall be clearly labeled "Absentee Ballot" or "Early~~
2 ~~Ballot", as the case may be, and the ballot so produced~~
3 ~~"Duplicate Absentee Ballot" or "Duplicate Early Ballot",~~
4 ~~as the case may be, and each shall bear the same serial~~
5 ~~number which shall be placed thereon by the judges of~~
6 ~~election, commencing with number 1 and continuing~~
7 ~~consecutively for the ballots of that kind in that~~
8 ~~precinct. The judges of election shall initial the~~
9 ~~"Duplicate Absentee Ballot" and "Duplicate Early Ballot"~~
10 ~~ballots and shall place them in the box for return of the~~
11 ~~ballots with all other ballots to be counted at the central~~
12 ~~counting location in lieu of the paper absentee and early~~
13 ~~ballots. The paper absentee ballots shall be placed in an~~
14 ~~envelope provided for that purpose labeled "Duplicate~~
15 ~~Ballots".~~

16 In case of an overvote for any office, the judges of
17 election, consisting in each case of at least one judge of
18 election of each of the 2 major political parties, shall
19 make a true duplicate ballot of all votes on the ballot
20 except for the office which is overvoted, by using the
21 ballot of the precinct and one of the marking devices, or
22 equivalent ballot, of the precinct to transfer all votes of
23 the voter except for the office overvoted, to an official
24 ballot of that kind used in the precinct at that election.
25 The original ballot upon which there is an overvote shall
26 be clearly labeled "Overvoted Ballot", and each shall bear
27 the same serial number which shall be placed thereon by the
28 judges of election, beginning with number 1 and continuing
29 consecutively for the ballots of that kind in that
30 precinct. The judges of election shall initial the
31 "Duplicate Overvoted Ballot" ballots and shall place them
32 in the box for return of the ballots. The "Overvoted
33 Ballot" ballots shall be placed in the "Duplicate Ballots"
34 envelope. The ballots except any defective or overvoted

1 ballot shall be placed separately in the box for return of
2 the ballots, ~~along with all "Duplicate Absentee Ballots",~~
3 ~~"Duplicate Early Ballots", and "Duplicate Overvoted~~
4 ~~Ballots"~~. The judges of election shall examine the ballots
5 to determine if any is damaged or defective so that it
6 cannot be counted by the automatic tabulating equipment. If
7 any ballot is damaged or defective so that it cannot
8 properly be counted by the automatic tabulating equipment,
9 the judges of election, consisting in each case of at least
10 one judge of election of each of the 2 major political
11 parties, shall make a true duplicate ballot of all votes on
12 such ballot by using the ballot of the precinct and one of
13 the marking devices, or equivalent ballot, of the precinct.
14 The original ballot and ballot envelope shall be clearly
15 labeled "Damaged Ballot" and the ballot so produced
16 "Duplicate Damaged Ballot", and each shall bear the same
17 number which shall be placed thereon by the judges of
18 election, commencing with number 1 and continuing
19 consecutively for the ballots of that kind in the precinct.
20 The judges of election shall initial the "Duplicate Damaged
21 Ballot" ballot and shall place them in the box for return
22 of the ballots. The "Damaged Ballot" ballots shall be
23 placed in the "Duplicated Ballots" envelope. A slip
24 indicating the number of voters voting in person, ~~number of~~
25 ~~absentee and early votes deposited in the ballot box,~~ and
26 the total number of voters of the precinct who voted at the
27 election shall be made out, signed by all judges of
28 election, and inserted in the box for return of the
29 ballots. The tally sheets recording the write-in votes
30 shall be placed in this box. The judges of election
31 immediately shall securely lock the ballot box or other
32 suitable box furnished for return of the ballots by the
33 election official in charge of the election; provided that
34 if the box is not of a type which may be securely locked,

1 the box shall be sealed with filament tape provided for the
2 purpose which shall be wrapped around the box lengthwise
3 and crosswise, at least twice each way. A separate adhesive
4 seal label signed by each of the judges of election of the
5 precinct shall be affixed to the box to cover any slot
6 therein and to identify the box of the precinct; and if the
7 box is sealed with filament tape as provided rather than
8 locked, such tape shall be wrapped around the box as
9 provided, but in such manner that the separate adhesive
10 seal label affixed to the box and signed by the judges may
11 not be removed without breaking the filament tape and
12 disturbing the signature of the judges. Two of the judges
13 of election, of different major political parties, shall by
14 the most direct route transport the box for return of the
15 ballots and enclosed ballots and returns to the central
16 counting location designated by the election official in
17 charge of the election. If, however, because of the lack of
18 adequate parking facilities at the central counting
19 location or for any other reason, it is impossible or
20 impracticable for the boxes from all the polling places to
21 be delivered directly to the central counting location, the
22 election official in charge of the election may designate
23 some other location to which the boxes shall be delivered
24 by the 2 precinct judges. While at the other location the
25 boxes shall be in the care and custody of one or more
26 teams, each consisting of 4 persons, 2 from each of the 2
27 major political parties, designated for such purpose by the
28 election official in charge of elections from
29 recommendations by the appropriate political party
30 organizations. As soon as possible, the boxes shall be
31 transported from the other location to the central counting
32 location by one or more teams, each consisting of 4
33 persons, 2 from each of the 2 major political parties,
34 designated for the purpose by the election official in

1 charge of elections from recommendations by the
2 appropriate political party organizations.

3 The "Defective Ballots" envelope, and "Duplicated
4 Ballots" envelope each shall be securely sealed and the
5 flap or end of each envelope signed by the precinct judges
6 of election and returned to the central counting location
7 with the box for return of the ballots, enclosed ballots
8 and returns.

9 At the central counting location, a team of tally
10 judges designated by the election official in charge of the
11 election shall check the box returned containing the
12 ballots to determine that all seals are intact, and shall
13 open the box, check the voters' slip and compare the number
14 of ballots so delivered against the total number of voters
15 of the precinct who voted, remove the ballots and deliver
16 them to the technicians operating the automatic tabulating
17 equipment. Any discrepancies between the number of ballots
18 and total number of voters shall be noted on a sheet
19 furnished for that purpose and signed by the tally judges.

20 (3) A single ballot box, for the deposit of all votes
21 cast, shall be used. Immediately after the closing of the
22 polls, ~~the judges of election shall examine the absentee~~
23 ~~and early ballots received by the precinct judges of~~
24 ~~election from the election authority of voters in that~~
25 ~~precinct to determine that they comply with the provisions~~
26 ~~of Sections 19-9, 19A-55, 20-8, and 20-9 of this Code and~~
27 ~~are entitled to be deposited in the ballot box; those~~
28 ~~entitled to be deposited in the ballot box shall be~~
29 ~~initialed by the precinct judges and deposited in the~~
30 ~~ballot box. Those not entitled to be deposited in the~~
31 ~~ballot box, in accordance with Sections 19-9, 19A-55, 20-8,~~
32 ~~and 20-9 of this Code shall be marked "Rejected" and~~
33 ~~preserved in the manner provided in this Code for the~~
34 ~~retention and preservation of official ballots rejected at~~

1 ~~such election. Immediately upon the completion of the~~
2 ~~absentee and early balloting, the~~ precinct judges of
3 election shall securely lock the ballot box; provided that
4 if such box is not of a type which may be securely locked,
5 the box shall be sealed with filament tape provided for the
6 purpose which shall be wrapped around the box lengthwise
7 and crosswise, at least twice each way. A separate adhesive
8 seal label signed by each of the judges of election of the
9 precinct shall be affixed to the box to cover any slot
10 therein and to identify the box of the precinct; and if the
11 box is sealed with filament tape as provided rather than
12 locked, such tape shall be wrapped around the box as
13 provided, but in a manner that the separate adhesive seal
14 label affixed to the box and signed by the judges may not
15 be removed without breaking the filament tape and
16 disturbing the signature of the judges. Two of the judges
17 of election, of different major political parties, shall by
18 the most direct route transport the box for return of the
19 ballots and enclosed absentee and early ballots and returns
20 to the central counting location designated by the election
21 official in charge of the election. If however, because of
22 the lack of adequate parking facilities at the central
23 counting location or for some other reason, it is
24 impossible or impracticable for the boxes from all the
25 polling places to be delivered directly to the central
26 counting location, the election official in charge of the
27 election may designate some other location to which the
28 boxes shall be delivered by the 2 precinct judges. While at
29 the other location the boxes shall be in the care and
30 custody of one or more teams, each consisting of 4 persons,
31 2 from each of the 2 major political parties, designated
32 for the purpose by the election official in charge of
33 elections from recommendations by the appropriate
34 political party organizations. As soon as possible, the

1 boxes shall be transported from the other location to the
2 central counting location by one or more teams, each
3 consisting of 4 persons, 2 from each of the 2 major
4 political parties, designated for the purpose by the
5 election official in charge of the election from
6 recommendations by the appropriate political party
7 organizations.

8 At the central counting location there shall be one or
9 more teams of tally judges who possess the same
10 qualifications as tally judges in election jurisdictions
11 using paper ballots. The number of the teams shall be
12 determined by the election authority. Each team shall
13 consist of 5 tally judges, 3 selected and approved by the
14 county board from a certified list furnished by the
15 chairman of the county central committee of the party with
16 the majority of members on the county board and 2 selected
17 and approved by the county board from a certified list
18 furnished by the chairman of the county central committee
19 of the party with the second largest number of members on
20 the county board. At the central counting location a team
21 of tally judges shall open the ballot box and canvass the
22 votes polled to determine that the number of ballot sheets
23 therein agree with the number of voters voting as shown by
24 the applications for ballot ~~and for absentee and early~~
25 ~~ballot,~~ and, if the same do not agree, the tally judges
26 shall make such ballots agree with the number of
27 applications for ballot in the manner provided by Section
28 17-18 of this Code. The tally judges shall then examine all
29 ballot sheets that are in the ballot box to determine
30 whether they bear the initials of the precinct judge of
31 election. If any ballot is not initialed, it shall be
32 marked on the back "Defective", initialed as to that label
33 by all tally judges immediately under the word "Defective",
34 and not counted, but placed in the envelope provided for

1 that purpose labeled "Defective Ballots Envelope".
2 ~~Write in votes, not causing an overvote for an office~~
3 ~~otherwise voted for on the absentee or early ballot sheet,~~
4 ~~and otherwise properly voted, shall be counted, tallied,~~
5 ~~and recorded by the central counting location judges on the~~
6 ~~tally sheet provided for the record. A write in vote~~
7 ~~causing an overvote for an office shall not be counted for~~
8 ~~that office, but the tally judges shall mark the absentee~~
9 ~~or early ballot sheet "Objected To" and write the manner in~~
10 ~~which the ballot is counted on its back and initial the~~
11 ~~sheet.~~ An overvote for one office shall invalidate only the
12 vote or count for that particular office.

13 At the central counting location, a team of tally
14 judges designated by the election official in charge of the
15 election shall deliver the ballot sheets to the technicians
16 operating the automatic Precinct Tabulation Optical Scan
17 Technology tabulating equipment. Any discrepancies between
18 the number of ballots and total number of voters shall be
19 noted on a sheet furnished for that purpose and signed by
20 the tally judges.

21 (b) Regardless of which procedure described in subsection
22 (a) of this Section is used, the judges of election designated
23 to transport the ballots properly signed and sealed, shall
24 ensure that the ballots are delivered to the central counting
25 station no later than 12 hours after the polls close. At the
26 central counting station, a team of tally judges designated by
27 the election official in charge of the election shall examine
28 the ballots so transported and shall not accept ballots for
29 tabulating which are not signed and sealed as provided in
30 subsection (a) of this Section until the judges transporting
31 the ballots make and sign the necessary corrections. Upon
32 acceptance of the ballots by a team of tally judges at the
33 central counting station, the election judges transporting the
34 ballots shall take a receipt signed by the election official in

1 charge of the election and stamped with the date and time of
2 acceptance. The election judges whose duty it is to transport
3 any ballots shall, in the event the ballots cannot be found
4 when needed, on proper request, produce the receipt which they
5 are to take as above provided.

6 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

7 (10 ILCS 5/24B-10.1)

8 Sec. 24B-10.1. In-Precinct Counting Equipment; Procedures
9 for Counting and Tallying Ballots. In an election jurisdiction
10 where Precinct Tabulation Optical Scan Technology counting
11 equipment is used, the following procedures for counting and
12 tallying the ballots shall apply:

13 Before the opening of the polls, and before the ballots are
14 entered into the automatic tabulating equipment, the judges of
15 election shall be sure that the totals are all zeros in the
16 counting column. Ballots may then be counted by entering or
17 scanning each ballot into the automatic tabulating equipment.
18 Throughout the election day and before the closing of the
19 polls, no person may check any vote totals for any candidate or
20 proposition on the automatic tabulating equipment. Such
21 automatic tabulating equipment shall be programmed so that no
22 person may reset the equipment for refeeding of ballots unless
23 provided a code from an authorized representative of the
24 election authority. At the option of the election authority,
25 the ballots may be fed into the Precinct Tabulation Optical
26 Scan Technology equipment by the voters under the direct
27 supervision of the judges of elections.

28 Immediately after the closing of the polls, the ~~absentee or~~
29 ~~early ballots delivered to the precinct judges of election by~~
30 ~~the election authority shall be examined to determine that the~~
31 ~~ballots comply with Sections 19-9, 19A-55, and 20-9 of this~~
32 ~~Code and are entitled to be scanned by the Precinct Tabulation~~
33 ~~Optical Scan Technology equipment and then deposited in the~~

1 ~~ballot box; those entitled to be scanned and deposited in the~~
2 ~~ballot box shall be initialed by the precinct judges of~~
3 ~~election and then scanned and deposited in the ballot box.~~
4 ~~Those not entitled to be deposited in the ballot box shall be~~
5 ~~marked "Rejected" and disposed of as provided in said Sections~~
6 ~~19-9, 19A-55, and 20-9.~~

7 ~~The~~ precinct judges of election shall open the ballot box
8 and count the number of ballots to determine if the number
9 agrees with the number of voters voting as shown on the
10 Precinct Tabulation Optical Scan Technology equipment and by
11 the applications for ballot or, if the same do not agree, the
12 judges of election shall make the ballots agree with the
13 applications for ballot in the manner provided by Section 17-18
14 of this Code. The judges of election shall then examine all
15 ballots which are in the ballot box to determine whether the
16 ballots contain the initials of a precinct judge of election.
17 If any ballot is not initialed, it shall be marked on the back
18 "Defective", initialed as to such label by all judges
19 immediately under the word "Defective" and not counted. The
20 judges of election shall place an initialed blank official
21 ballot in the place of the defective ballot, so that the count
22 of the ballots to be counted on the automatic tabulating
23 equipment will be the same, and each "Defective Ballot" and
24 "Replacement" ballot shall contain the same serial number which
25 shall be placed thereon by the judges of election, beginning
26 with number 1 and continuing consecutively for the ballots of
27 that kind in that precinct. The original "Defective" ballot
28 shall be placed in the "Defective Ballot Envelope" provided for
29 that purpose.

30 If the judges of election have removed a ballot pursuant to
31 Section 17-18, have labeled "Defective" a ballot which is not
32 initialed, or have otherwise determined under this Code to not
33 count a ballot originally deposited into a ballot box, the
34 judges of election shall be sure that the totals on the

1 automatic tabulating equipment are reset to all zeros in the
2 counting column. Thereafter the judges of election shall enter
3 or otherwise scan each ballot to be counted in the automatic
4 tabulating equipment. Resetting the automatic tabulating
5 equipment to all zeros and re-entering of ballots to be counted
6 may occur at the precinct polling place, the office of the
7 election authority, or any receiving station designated by the
8 election authority. The election authority shall designate the
9 place for resetting and re-entering or re-scanning.

10 When a Precinct Tabulation Optical Scan Technology
11 electronic voting system is used which uses a paper ballot, the
12 judges of election shall examine the ballot for write-in votes.
13 When the voter has cast a write-in vote, the judges of election
14 shall compare the write-in vote with the votes on the ballot to
15 determine whether the write-in results in an overvote for any
16 office, unless the Precinct Tabulation Optical Scan Technology
17 equipment has already done so. In case of an overvote for any
18 office, the judges of election, consisting in each case of at
19 least one judge of election of each of the 2 major political
20 parties, shall make a true duplicate ballot of all votes on
21 such ballot except for the office which is overvoted, by using
22 the ballot of the precinct and one of the marking devices, or
23 equivalent ballot, of the precinct so as to transfer all votes
24 of the voter, except for the office overvoted, to a duplicate
25 ballot. The original ballot upon which there is an overvote
26 shall be clearly labeled "Overvoted Ballot", and each such
27 "Overvoted Ballot" as well as its "Replacement" shall contain
28 the same serial number which shall be placed thereon by the
29 judges of election, beginning with number 1 and continuing
30 consecutively for the ballots of that kind in that precinct.
31 The "Overvoted Ballot" shall be placed in an envelope provided
32 for that purpose labeled "Duplicate Ballot" envelope, and the
33 judges of election shall initial the "Replacement" ballots and
34 shall place them with the other ballots to be counted on the

1 automatic tabulating equipment.

2 If any ballot is damaged or defective, or if any ballot
3 contains a Voting Defect, so that it cannot properly be counted
4 by the automatic tabulating equipment, the voter or the judges
5 of election, consisting in each case of at least one judge of
6 election of each of the 2 major political parties, shall make a
7 true duplicate ballot of all votes on such ballot by using the
8 ballot of the precinct and one of the marking devices of the
9 precinct, or equivalent. If a damaged ballot, the original
10 ballot shall be clearly labeled "Damaged Ballot" and the ballot
11 so produced shall be clearly labeled "Damaged Ballot" and the
12 ballot so produced shall be clearly labeled "Duplicate Damaged
13 Ballot", and each shall contain the same serial number which
14 shall be placed by the judges of election, beginning with
15 number 1 and continuing consecutively for the ballots of that
16 kind in the precinct. The judges of election shall initial the
17 "Duplicate Damaged Ballot" ballot and shall enter or otherwise
18 scan the duplicate damaged ballot into the automatic tabulating
19 equipment. The "Damaged Ballots" shall be placed in the
20 "Duplicated Ballots" envelope; after all ballots have been
21 successfully read, the judges of election shall check to make
22 certain that the Precinct Tabulation Optical Scan Technology
23 equipment readout agrees with the number of voters making
24 application for ballot in that precinct. The number shall be
25 listed on the "Statement of Ballots" form provided by the
26 election authority.

27 The totals for all candidates and propositions shall be
28 tabulated; and 4 copies of a "Certificate of Results" shall be
29 generated by the automatic tabulating equipment; one copy shall
30 be posted in a conspicuous place inside the polling place; and
31 every effort shall be made by the judges of election to provide
32 a copy for each authorized pollwatcher or other official
33 authorized to be present in the polling place to observe the
34 counting of ballots; but in no case shall the number of copies

1 to be made available to pollwatchers be fewer than 4, chosen by
2 lot by the judges of election. In addition, sufficient time
3 shall be provided by the judges of election to the pollwatchers
4 to allow them to copy information from the copy which has been
5 posted.

6 The judges of election shall count all unused ballots and
7 enter the number on the "Statement of Ballots". All "Spoiled",
8 "Defective" and "Duplicated" ballots shall be counted and the
9 number entered on the "Statement of Ballots".

10 The precinct judges of election shall select a bi-partisan
11 team of 2 judges, who shall immediately return the ballots in a
12 sealed container, along with all other election materials as
13 instructed by the election authority; provided, however, that
14 such container must first be sealed by the election judges with
15 filament tape or other approved sealing devices provided for
16 the purpose which shall be wrapped around the container
17 lengthwise and crosswise, at least twice each way, in a manner
18 that the ballots cannot be removed from the container without
19 breaking the seal and filament tape and disturbing any
20 signatures affixed by the election judges to the container, or
21 which other approved sealing devices are affixed in a manner
22 approved by the election authority. The election authority
23 shall keep the office of the election authority or any
24 receiving stations designated by the authority, open for at
25 least 12 consecutive hours after the polls close or until the
26 ballots from all precincts with in-precinct counting equipment
27 within the jurisdiction of the election authority have been
28 returned to the election authority. Ballots returned to the
29 office of the election authority which are not signed and
30 sealed as required by law shall not be accepted by the election
31 authority until the judges returning the ballots make and sign
32 the necessary corrections. Upon acceptance of the ballots by
33 the election authority, the judges returning the ballots shall
34 take a receipt signed by the election authority and stamped

1 with the time and date of the return. The election judges whose
2 duty it is to return any ballots as provided shall, in the
3 event the ballots cannot be found when needed, on proper
4 request, produce the receipt which they are to take as above
5 provided. The precinct judges of election shall also deliver
6 the Precinct Tabulation Optical Scan Technology equipment to
7 the election authority.

8 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

9 (10 ILCS 5/24B-15)

10 Sec. 24B-15. Official Return of Precinct; Check of Totals;
11 Retabulation. The precinct return printed by the automatic
12 Precinct Tabulation Optical Scan Technology tabulating
13 equipment shall include the number of ballots cast and votes
14 cast for each candidate and proposition and shall constitute
15 the official return of each precinct. In addition to the
16 precinct return, the election authority shall provide the
17 number of applications for ballots in each precinct, the
18 write-in votes, the total number of ballots counted in each
19 precinct for each political subdivision and district and the
20 number of registered voters in each precinct. However, the
21 election authority shall check the totals shown by the precinct
22 return and, if there is an obvious discrepancy regarding the
23 total number of votes cast in any precinct, shall have the
24 ballots for that precinct retabulated to correct the return.
25 The procedures for retabulation shall apply prior to and after
26 the proclamation is completed; however, after the proclamation
27 of results, the election authority must obtain a court order to
28 unseal voted ballots except for election contests and discovery
29 recounts. In those election jurisdictions that use in-precinct
30 counting equipment, the certificate of results, which has been
31 prepared by the judges of election in the polling place after
32 the ballots have been tabulated, shall be the document used for
33 the canvass of votes for such precinct. Whenever a discrepancy

1 exists during the canvass of votes between the unofficial
2 results and the certificate of results, or whenever a
3 discrepancy exists during the canvass of votes between the
4 certificate of results and the set of totals which has been
5 affixed to the certificate of results, the ballots for that
6 precinct shall be retabulated to correct the return. As an
7 additional part of this check prior to the proclamation, in
8 those jurisdictions where in-precinct counting equipment is
9 used, the election authority shall retabulate the total number
10 of votes cast in 5% of the precincts within the election
11 jurisdiction. The precincts to be retabulated shall be selected
12 after election day on a random basis by the State Board of
13 Elections ~~election authority~~, so that every precinct in the
14 election jurisdiction has an equal mathematical chance of being
15 selected. The State Board of Elections shall design a standard
16 and scientific random method of selecting the precincts which
17 are to be retabulated, ~~and the election authority shall be~~
18 ~~required to use that method.~~ The State central committee ~~State~~
19 ~~Board of Elections, the State's Attorney and other appropriate~~
20 ~~law enforcement agencies, the county~~ chairman of each
21 established political party ~~and qualified civic organizations~~
22 shall be given prior written notice of the time and place of
23 the random selection procedure and may be represented at the
24 procedure. The retabulation shall consist of counting the
25 ballots which were originally counted and shall not involve any
26 determination of which ballots were, in fact, properly counted.
27 The ballots from the precincts selected for the retabulation
28 shall remain at all times under the custody and control of the
29 election authority and shall be transported and retabulated by
30 the designated staff of the election authority.

31 As part of the retabulation, the election authority shall
32 test the computer program in the selected precincts. The test
33 shall be conducted by processing a preaudited group of ballots
34 marked to record a predetermined number of valid votes for each

1 candidate and on each public question, and shall include for
2 each office one or more ballots which have votes in excess of
3 the number allowed by law to test the ability of the equipment
4 and the marking device to reject such votes. If any error is
5 detected, the cause shall be determined and corrected, and an
6 errorless count shall be made prior to the official canvass and
7 proclamation of election results.

8 The State Board of Elections, the State's Attorney and
9 other appropriate law enforcement agencies, the county
10 chairman of each established political party and qualified
11 civic organizations shall be given prior written notice of the
12 time and place of the retabulation and may be represented at
13 the retabulation.

14 The results of this retabulation shall be treated in the
15 same manner and have the same effect as the results of the
16 discovery procedures set forth in Section 22-9.1 of this Code.
17 Upon completion of the retabulation, the election authority
18 shall print a comparison of the results of the retabulation
19 with the original precinct return printed by the automatic
20 tabulating equipment. The comparison shall be done for each
21 precinct and for each office voted upon within that precinct,
22 and the comparisons shall be open to the public. Upon
23 completion of the retabulation, the returns shall be open to
24 the public.

25 (Source: P.A. 93-574, eff. 8-21-03.)

26 (10 ILCS 5/24B-16)

27 Sec. 24B-16. Approval of Precinct Tabulation Optical Scan
28 Technology Voting Systems; Requisites. The State Board of
29 Elections shall approve all Precinct Tabulation Optical Scan
30 Technology voting systems provided by this Article.

31 No Precinct Tabulation Optical Scan Technology voting
32 system shall be approved unless it fulfills the following
33 requirements:

1 (a) It enables a voter to vote in absolute secrecy;

2 (b) (Blank);

3 (c) It enables a voter to vote a ticket selected in
4 part from the nominees of one party, and in part from the
5 nominees of any or all parties, and in part from
6 independent candidates, and in part of candidates whose
7 names are written in by the voter;

8 (d) It enables a voter to vote a written or printed
9 ticket of his or her own selection for any person for any
10 office for whom he or she may desire to vote;

11 (e) It will reject all votes for an office or upon a
12 proposition when the voter has cast more votes for the
13 office or upon the proposition than he or she is entitled
14 to cast; and

15 (f) It will accommodate all propositions to be
16 submitted to the voters in the form provided by law or,
17 where no form is provided, then in brief form, not to
18 exceed 75 words.

19 The State Board of Elections shall not approve any voting
20 equipment or system that includes an external Infrared Data
21 Association (IrDA) communications port.

22 The State Board of Elections is authorized to withdraw its
23 approval of a Precinct Tabulation Optical Scan Technology
24 voting system if the system fails to fulfill the above
25 requirements.

26 The vendor, person, or other private entity shall be solely
27 responsible for the production and cost of: all ballots;
28 additional temporary workers; and other equipment or
29 facilities needed and used in the testing of the vendor's,
30 person's, or other private entity's respective equipment and
31 software.

32 No vendor, person, or other entity may sell, lease, or
33 loan, or have a written contract, including a contract
34 contingent upon State Board approval of the voting system or

1 voting system component, to sell, lease, or loan, a voting
2 system or Precinct Tabulation Optical Scan Technology voting
3 system component to any election jurisdiction unless the voting
4 system or voting system component is first approved by the
5 State Board of Elections pursuant to this Section.

6 (Source: P.A. 89-394, eff. 1-1-97; 89-700, eff. 1-17-97.)

7 (10 ILCS 5/24C-9)

8 Sec. 24C-9. Testing of Direct Recording Electronic Voting
9 System Equipment and Programs; Custody of Programs, Test
10 Materials and Ballots. Prior to the public test, the election
11 authority shall conduct an errorless pre-test of the Direct
12 Recording Electronic Voting System equipment and programs to
13 determine that they will correctly detect voting defects and
14 count the votes cast for all offices and all public questions.
15 On any day not less than 5 days prior to the election day, the
16 election authority shall publicly test the Direct Recording
17 Electronic Voting System equipment and programs to determine
18 that they will correctly detect voting errors and accurately
19 count the votes legally cast for all offices and on all public
20 questions. Public notice of the time and place of the test
21 shall be given at least 48 hours before the test by publishing
22 the notice in one or more newspapers within the election
23 jurisdiction of the election authority, if a newspaper is
24 published in that jurisdiction. If a newspaper is not published
25 in that jurisdiction, notice shall be published in a newspaper
26 of general circulation in that jurisdiction. Timely written
27 notice stating the date, time, and location of the public test
28 shall also be provided to the State Board of Elections. The
29 test shall be open to representatives of the political parties,
30 the press, representatives of the State Board of Elections, and
31 the public. The test shall be conducted by entering a pre-
32 audited group of votes designed to record a predetermined
33 number of valid votes for each candidate and on each public

1 question, and shall include for each office one or more ballots
2 having votes exceeding the number allowed by law to test the
3 ability of the automatic tabulating equipment to reject the
4 votes. The test shall also include producing an edit listing.
5 In those election jurisdictions where in-precinct counting
6 equipment is used, a public test of both the equipment and
7 program shall be conducted as nearly as possible in the manner
8 prescribed above. The State Board of Elections may select as
9 many election jurisdictions as the Board deems advisable in the
10 interests of the election process of this State, to order a
11 special test of the automatic tabulating equipment and program
12 before any regular election. The Board may order a special test
13 in any election jurisdiction where, during the preceding 12
14 months, computer programming errors or other errors in the use
15 of System resulted in vote tabulation errors. Not less than 30
16 days before any election, the State Board of Elections shall
17 provide written notice to those selected jurisdictions of their
18 intent to conduct a test. Within 5 days of receipt of the State
19 Board of Elections' written notice of intent to conduct a test,
20 the selected jurisdictions shall forward to the principal
21 office of the State Board of Elections a copy of all specimen
22 ballots. The State Board of Elections' tests shall be conducted
23 and completed not less than 2 days before the public test
24 ~~utilizing testing materials supplied by the Board~~ and under the
25 supervision of the Board. The vendor, person, or other private
26 entity shall be solely responsible for the production and cost
27 of: all ballots; additional temporary workers; and other
28 equipment or facilities needed and used in the testing of the
29 vendor's, person's, or other private entity's respective
30 equipment and software. ~~and the Board shall reimburse the~~
31 ~~election authority for the reasonable cost of computer time~~
32 ~~required to conduct the special test.~~ After an errorless test,
33 materials used in the public test, including the program, if
34 appropriate, shall be sealed and remain sealed until the test

1 is run again on election day. If any error is detected, the
2 cause of the error shall be determined and corrected, and an
3 errorless public test shall be made before the automatic
4 tabulating equipment is approved. Each election authority
5 shall file a sealed copy of each tested program to be used
6 within its jurisdiction at an election with the State Board of
7 Elections before the election. The Board shall secure the
8 program or programs of each election jurisdiction so filed in
9 its office until the next election of the same type (general
10 primary, general election, consolidated primary, or
11 consolidated election) for which the program or programs were
12 filed ~~for the 60 days following the canvass and proclamation of~~
13 ~~election results.~~ At the expiration of that time, if no
14 election contest or appeal is pending in an election
15 jurisdiction, the Board shall destroy ~~return~~ the sealed program
16 or programs ~~to the election authority of the jurisdiction.~~
17 Except where in-precinct counting equipment is used, the test
18 shall be repeated immediately before the start of the official
19 counting of the ballots, in the same manner as set forth above.
20 After the completion of the count, the test shall be re-run
21 using the same program. Immediately after the re-run, all
22 material used in testing the program and the programs shall be
23 sealed and retained under the custody of the election authority
24 for a period of 60 days. At the expiration of that time the
25 election authority shall destroy the voted ballots, together
26 with all unused ballots returned from the precincts. Provided,
27 if any contest of election is pending at the time in which the
28 ballots may be required as evidence and the election authority
29 has notice of the contest, the same shall not be destroyed
30 until after the contest is finally determined. If the use of
31 back-up equipment becomes necessary, the same testing required
32 for the original equipment shall be conducted.

33 (Source: P.A. 93-574, eff. 8-21-03.)

1 (10 ILCS 5/24C-13)

2 Sec. 24C-13. Absentee ballots; Early voting ballots;
3 Proceedings at Location for Central Counting; Employees;
4 Approval of List.

5 (a) All jurisdictions using Direct Recording Electronic
6 Voting Systems shall use paper ballots or paper ballot sheets
7 approved for use under Articles 16, 24A or 24B of this Code
8 when conducting absentee voting except that Direct Recording
9 Electronic Voting Systems may be used for in-person absentee
10 voting conducted pursuant to Section 19-2.1 of this Code. All
11 absentee ballots shall be counted at the central ballot
12 counting location ~~office~~ of the election authority. The
13 provisions of Section 24A-9, 24B-9 and 24C-9 of this Code shall
14 apply to the testing and notice requirements for central count
15 tabulation equipment, including comparing the signature on the
16 ballot envelope with the signature of the voter on the
17 permanent voter registration record card taken from the master
18 file. ~~Absentee ballots other than absentee ballots voted in~~
19 ~~person pursuant to Section 19-2.1 of this Code shall be~~
20 ~~examined and processed pursuant to Sections 19-9 and 20-9 of~~
21 ~~this Code.~~ Vote results shall be recorded by precinct and shall
22 be added to the vote results for the precinct in which the
23 absent voter was eligible to vote prior to completion of the
24 official canvass.

25 ~~(a-5) Early voting ballots cast in accordance with Article~~
26 ~~19A shall be counted in precincts as provided in that Article.~~
27 ~~Early votes cast through the use of Direct Recording Electronic~~
28 ~~Voting System devices shall be counted using the procedures of~~
29 ~~this Article. Early votes cast by a method other than the use~~
30 ~~of Direct Recording Electronic Voting System devices shall be~~
31 ~~counted using the procedures of this Code for that method.~~

32 (b) All proceedings at the location for central counting
33 shall be under the direction of the county clerk or board of
34 election commissioners. Except for any specially trained

1 technicians required for the operation of the Direct Recording
2 Electronic Voting System, the employees at the counting station
3 shall be equally divided between members of the 2 leading
4 political parties and all duties performed by the employees
5 shall be by teams consisting of an equal number of members of
6 each political party. Thirty days before an election the county
7 clerk or board of election commissioners shall submit to the
8 chairman of each political party, for his or her approval or
9 disapproval, a list of persons of his or her party proposed to
10 be employed. If a chairman fails to notify the election
11 authority of his or her disapproval of any proposed employee
12 within a period of 10 days thereafter the list shall be deemed
13 approved.

14 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

15 (10 ILCS 5/24C-15)

16 Sec. 24C-15. Official Return of Precinct; Check of Totals;
17 Audit. The precinct return printed by the Direct Recording
18 Electronic Voting System tabulating equipment shall include
19 the number of ballots cast and votes cast for each candidate
20 and public question and shall constitute the official return of
21 each precinct. In addition to the precinct return, the election
22 authority shall provide the number of applications for ballots
23 in each precinct, the total number of ballots and absentee
24 ballots counted in each precinct for each political subdivision
25 and district and the number of registered voters in each
26 precinct. However, the election authority shall check the
27 totals shown by the precinct return and, if there is an obvious
28 discrepancy regarding the total number of votes cast in any
29 precinct, shall have the ballots for that precinct audited to
30 correct the return. The procedures for this audit shall apply
31 prior to and after the proclamation is completed; however,
32 after the proclamation of results, the election authority must
33 obtain a court order to unseal voted ballots or voting devices

1 except for election contests and discovery recounts. The
2 certificate of results, which has been prepared and signed by
3 the judges of election in the polling place after the ballots
4 have been tabulated, shall be the document used for the canvass
5 of votes for such precinct. Whenever a discrepancy exists
6 during the canvass of votes between the unofficial results and
7 the certificate of results, or whenever a discrepancy exists
8 during the canvass of votes between the certificate of results
9 and the set of totals reflected on the certificate of results,
10 the ballots for that precinct shall be audited to correct the
11 return.

12 Prior to the proclamation, the election authority shall
13 test the voting devices and equipment in 5% of the precincts
14 within the election jurisdiction. The precincts to be tested
15 shall be selected after election day on a random basis by the
16 State Board of Elections ~~election authority~~, so that every
17 precinct in the election jurisdiction has an equal mathematical
18 chance of being selected. The State Board of Elections shall
19 design a standard and scientific random method of selecting the
20 precincts that are to be tested, ~~and the election authority~~
21 ~~shall be required to use that method.~~ The State central
22 committee ~~State Board of Elections, the State's Attorney and~~
23 ~~other appropriate law enforcement agencies, the county~~
24 chairman of each established political party ~~and qualified~~
25 ~~civic organizations~~ shall be given prior written notice of the
26 time and place of the random selection procedure and may be
27 represented at the procedure.

28 The test shall be conducted by counting the votes marked on
29 the permanent paper record of each ballot cast in the tested
30 precinct printed by the voting system at the time that each
31 ballot was cast and comparing the results of this count with
32 the results shown by the certificate of results prepared by the
33 Direct Recording Electronic Voting System in the test precinct.
34 The election authority shall test count these votes either by

1 hand or by using an automatic tabulating device other than a
2 Direct Recording Electronic voting device that has been
3 approved by the State Board of Elections for that purpose and
4 tested before use to ensure accuracy. The election authority
5 shall print the results of each test count. If any error is
6 detected, the cause shall be determined and corrected, and an
7 errorless count shall be made prior to the official canvass and
8 proclamation of election results. If an errorless count cannot
9 be conducted and there continues to be difference in vote
10 results between the certificate of results produced by the
11 Direct Recording Electronic Voting System and the count of the
12 permanent paper records or if an error was detected and
13 corrected, the election authority shall immediately prepare
14 and forward to the appropriate canvassing board a written
15 report explaining the results of the test and any errors
16 encountered and the report shall be made available for public
17 inspection.

18 The State Board of Elections, the State's Attorney and
19 other appropriate law enforcement agencies, the county
20 chairman of each established political party and qualified
21 civic organizations shall be given prior written notice of the
22 time and place of the test and may be represented at the test.

23 The results of this post-election test shall be treated in
24 the same manner and have the same effect as the results of the
25 discovery procedures set forth in Section 22-9.1 of this Code.

26 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

27 (10 ILCS 5/24C-16)

28 Sec. 24C-16. Approval of Direct Recording Electronic
29 Voting Systems; Requisites. The State Board of Elections shall
30 approve all Direct Recording Electronic Voting Systems that
31 fulfill the functional requirements provided by Section 24C-11
32 of this Code, the mandatory requirements of the federal voting
33 system standards pertaining to Direct Recording Electronic

1 Voting Systems promulgated by the Federal Election Commission
2 or the Election Assistance Commission, the testing
3 requirements of an approved independent testing authority and
4 the rules of the State Board of Elections.

5 The State Board of Elections shall not approve any Direct
6 Recording Electronic Voting System that includes an external
7 Infrared Data Association (IrDA) communications port.

8 The State Board of Elections is authorized to withdraw its
9 approval of a Direct Recording Electronic Voting System if the
10 System, once approved, fails to fulfill the above requirements.

11 The vendor, person, or other private entity shall be solely
12 responsible for the production and cost of: all ballots;
13 additional temporary workers; and other equipment or
14 facilities needed and used in the testing of the vendor's,
15 person's, or other private entity's respective equipment and
16 software.

17 No vendor, person, or other entity may sell, lease, or
18 loan, or have a written contract, including a contract
19 contingent upon State Board approval of the voting system or
20 voting system component, to sell, lease, or loan, a Direct
21 Recording Electronic Voting System or system component to any
22 election jurisdiction unless the system or system component is
23 first approved by the State Board of Elections pursuant to this
24 Section.

25 (Source: P.A. 93-574, eff. 8-21-03.)

26 (10 ILCS 5/19-9 rep.)

27 (10 ILCS 5/19A-55 rep.)

28 (10 ILCS 5/20-9 rep.)

29 Section 10. The Election Code is amended by repealing
30 Sections 19-9, 19A-55, and 20-9.

31 Section 99. Effective date. This Act takes effect upon
32 becoming law."